

FIRST REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

MARCH 31, 1906

(February 1, 1904 to March 31, 1906)

PRINTED BY ORDER OF PARLIAMENT



OTTAWA

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EXCELLENT MAJESTY

1907

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

A. C. KILLAM, Chief Commissioner.

Hon. M. E. BERNIER, Deputy Chief Commissioner.

JAMES MILLS, Commissioner.

A. D. CARTWRIGHT, *Secretary.*

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REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS

FOR CANADA.

OTTAWA, Ont., March 31, 1906.

To His Excellency the Governor in Council:

The Board of Railway Commissioners for Canada has the honour to submit its first report covering a period of twenty-six months from the 1st of February, 1904, to the 31st March, 1906, and in this connection deems it desirable to call attention to the more salient features of the Railway Act, 1903.

COMMISSION.

By an Act of the Parliament of Canada (3 Ed. 7, Cap. 58), intituled, 'An Act to consolidate the law respecting railways,' commonly known as 'The Railway Act, 1903,' the Board of Railway Commissioners for Canada was created; the Act came into force on the 1st of February, 1904, by proclamation of the Governor General, in accordance with a notice published in the *Canada Gazette* as required by the Act.

The Act provides for the appointment by the Governor in Council of three Commissioners, who are to hold office, during good behaviour for a period of ten years from the date of appointment; each of whom, on the expiration of his term of office, to be eligible for re-appointment, until and unless he has then reached the age of seventy-five years, one of such commissioners to be appointed Chief Commissioner, and another Deputy Chief Commissioner of the Board; and in the absence of the Chief Commissioner, or his inability to act, the Deputy Chief to take the place and exercise the powers of the Chief Commissioner. Not less than two Commissioners are to attend at the hearing of every case. The Chief Commissioner, when present, is to preside; and his opinion upon any question which in the opinion of the Commissioners is a question of law, is to prevail. In any case where there is no interested party and no notice to be given to any interested party, one Commissioner is empowered to act alone for the Board.

Provision is also made that, whenever circumstances render it expedient to hold sittings without the city of Ottawa, the Board may hold the same in any part of Canada. Besides the regular staff attached to the Board, which is appointed by the Governor in Council on the recommendation of the Board, appointments may be made from time to time and as occasion requires, of experts, or persons having a technical or special knowledge of matters in question, to assist the Board in an advisory capacity.

JURISDICTION AND GENERAL POWERS.

The Board has full jurisdiction to inquire into, hear, and determine any application by, or on behalf of, any party interested; and the Act is made to apply:

- (a) To all persons, companies, and railways (other than Government Railways) within the legislative authority of the Parliament of Canada;

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- (b) To any railway, the construction or operation of which is authorized by special Act passed by the legislature of any province, which is declared by any special Act of the Parliament of Canada to be a work for the general advantage of Canada; and
- (c) To every railway, steam or electric street railway, the construction or operation of which is authorized by special Act passed by the legislature of any province, which connects with or crosses a railway which, at the time of such connection or crossing, is subject to the legislative authority of the Parliament of Canada, in respect only to such connection or crossing, or to through traffic thereon, or to anything appertaining thereto, and also in respect to the provisions contained in the Act relating to offences and penalties, navigable waters, and criminal matters.

By this Act, the Railway Committee of the Privy Council was abolished and the powers and duties formerly vested in and exercised by it are conferred upon the Board.

PRACTICE AND PROCEDURE.

The practice and procedure of the Board, as prescribed by its Rules and Regulations, other than the rules affecting the same contained in the Railway Act, 1903, will be found in Appendix 'B.' These Rules and Regulations came into force and effect on the 18th day of October, 1904, and were published in the *Canada Gazette* on the 26th November, 1904.

LOCATION OF LINE OF RAILWAY.

The Board, under and by virtue of section 122 *et seq.* of the Railway Act, 1903, has to approve of all location plans of railways after the approval of the general route map by the Minister of Railways; also of any deviations, changes, or alterations.

TAKING AND USING OF LANDS.

By section 137, the Board is empowered to grant authority to take and use additional lands for railway purposes.

BRANCH LINES.

The construction of branch lines, or spurs, of a railway not exceeding in any one case six miles in length, from the main line of the railway or from any branch thereof, is provided for in sections 175 and 176 of the Act.

CROSSINGS AND JUNCTIONS.

The granting of authority for the crossing of one line of railway by another and the junction of one line with another, are provided for in Section 177 *et seq.* of the Act.

HIGHWAY CROSSINGS.

The granting of authority to construct a railway upon, along, or across an existing highway, or to construct a highway across an existing railway, as provided for by Section 184 *et seq.* of the Act, 1903. Provision is also made for authorising the construction of new highways across railways and for the protection of highway crossings.

TELEGRAPH, TELEPHONE, AND OTHER LINES AND WIRES.

The granting of authority for the carrying of telegraph and telephone lines or wires for the conveyance of heat, light, power, or electricity across the railway, is provided for by Section 194 of the Act; also for the connection of municipal telephone systems with or within any station or premises of a railway company.

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DRAINAGE.

The granting of authority for providing the necessary drainage facilities across and under the railway, and for the proper drainage of land adjoining, is provided for by Sections 196 and 197 of the Act.

FARM CROSSINGS.

The construction of suitable farm crossings, fences, gates, and cattle guards, is required by Sections 198 *et seq.* of the Act.

BRIDGES, TUNNELS, AND OTHER STRUCTURES.

The construction of bridges, tunnels, and other structures over, through, or under any railway is dealt with by sections 202 *et seq.* of the Act, and various duties and powers in respect thereof are assigned to the Board.

INSPECTION OF RAILWAYS.

Sections 207 *et seq.* of the Act provide for the inspection of railways, and require the leave of the Board to be given before a railway can be opened for traffic.

ACCIDENT.

Under Sections 235-6 accidents upon railways are required to be reported to the Board, and the Board may appoint inspectors to make inquiry respecting the same.

BY-LAWS, RULES, AND REGULATIONS.

Section 246 of the Act requires that by-laws, rules, and regulations, with certain exceptions, shall be submitted to the Governor in Council for approval, upon a report of the Board.

FACILITIES—DISCRIMINATION.

Sections 214 and 252 *et seq.* deal with the liability of a railway company to furnish facilities and accommodation for traffic, and forbid unjust discrimination and undue preferences.

CLASSIFICATION.

By Section 255 the Board is empowered to prescribe or authorize the classification of freight traffic.

TARIFFS—TOLLS.

Sections 256 *et seq.* relate to traffic of tolls and the powers of the Board in respect thereof.

GENERAL PROVISIONS RESPECTING CARRIAGE.

Section 275 deals with carriage of traffic generally, and authorizes the Board to prescribe the terms and conditions under which traffic may be carried.

It will thus be seen from the foregoing brief summary that the scope of the Board is very wide, and that the matters to be dealt with by the Board embrace practically everything appertaining to or connected with a railway.

The Board, as originally constituted, consisted of the Honourable A. G. Blair, Chief Commissioner; Honourable M. E. Bernier, Deputy Chief Commissioner; and Mr. Commissioner Mills. Mr. Blair took office on the 1st of February, 1904, and resigned on the 18th October of the same year. On the 7th day of February, 1905, the vacancy in the Chief Commissionership was filled by the appointment of Honourable A. C. Killam, a judge of the Supreme Court of Canada, he having resigned the latter office to take over the duties of Chief Commissioner of the Board.

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PUBLIC SITTINGS OF THE BOARD.

The Board held its first public sitting in temporary premises in the Western Block of the Parliament Buildings, in the city of Ottawa, on the 9th day of February, 1904.

Public sittings of the Board were held at the following times and at the following places in the various provinces of the Dominion of Canada:—

Province of Ontario.

- Almonte—29th March, 1906.
- Brantford—26th April, 1905.
- Chatham—7th December, 1905.
- Galt—6th November, 1905.
- Guelph—17th February, 1905.
- Lindsay—12th June, 1905.
- Niagara Falls—16th March, 1905.
- Port Hope—30th June, 1905.
- Sarnia—6th December, 1905.
- Stratford—4th December, 1905.
- St. Thomas—14th March, 1905.
- Windsor—8th December, 1905.
- Ottawa—9th, 16th, 19th, 29th February, 1904.
- 8th, 11th, 15th, 22nd, 25th, 29th March, 1904.
- 5th, 8th, 15th, 26th, 28th April, 1904.
- 6th, 7th, 13th, 18th, 26th, 27th May, 1904.
- 3rd, 7th, 9th, 16th, 17th June, 1904.
- 2nd, 5th, 6th, 14th, 18th, 22nd, 30th July, 1904.
- 10th, 11th, 12th, 13th, 14th, 18th, 19th, 20th, 21st, 27th October, 1904.
- 4th November, 1904.
- 9th, 20th, 27th December, 1904.
- 5th, 26th January, 1905.
- 7th, 14th February, 1905.
- 21st, 23rd March, 1905.
- 11th, 13th, 14th April, 1905.
- 5th, 16th, 25th, 30th May, 1905.
- 6th, 7th, 13th, 20th, 27th June, 1905.
- 29th August, 1905.
- 1st, 4th September, 1905.
- 14th, 28th November, 1905.
- 1st December, 1905.
- 31st January, 1906.
- 1st, 6th, 13th February, 1906.
- 6th, 7th, 20th, 21st, 27th March, 1906.
- Toronto—20th, 21st, 22nd, 23rd, 25th, 28th June, 1904.
- 22nd December, 1904.
- 16th February, 1905.
- 18th, 31st March, 1905.
- 25th April, 1905.
- 7th November, 1905.
- 11th December, 1905.

Province of Quebec.

- Montreal—24th February, 1905.
- 19th May, 1905.
- 9th November, 1905.
- 14th December, 1905.
- Rivière du Loup—April 19th, 1905.

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Province of Manitoba.

Carberry—11th August, 1904.

Winnipeg—8th August, 1904.

19th, September, 1904.

11th, 12th, 13th September, 1905.

9th, 10th, 11th, 12th, 14th October, 1905.

Province of Alberta.

Calgary—15th September, 1904.

Edmonton—14th September, 1904.

McLeod—12th September, 1904.

Medicine Hat—16th August, 1904.

Moosejaw—16th September, 1904.

Province of Saskatchewan.

Prince Albert—13th August, 1904.

Regina—15th August, 1904; 5th October, 1905.

Province of British Columbia.

Nelson—8th September, 1904; 27th September, 1905.

New Westminster—29th August, 1904; 18th September, 1904; 19th September, 1905.

Revelstoke—6th September, 1904.

Vancouver—25th August, 1904; 21st, 22nd September, 1905.

Vernon—5th September, 1904.

Victoria—3rd September, 1904.

Province of New Brunswick.

St. John—18th April, 1905.

The total number of public sittings at various places in the Dominion of Canada, as above set forth, was 144, at which sittings 354 applications were heard. The various applications are set forth in Appendix 'C.'

Attention might be called to the fact that the sittings of the board embraced points widely separated, from St. John, N.B., on the Atlantic, to Victoria, B.C., on the Pacific coast; and that the applications heard by the board were correspondingly diversified, embracing, as they did, a variety of matters dealt with by the Railway Act, 1903. The proceedings in certain cases, such as those relating to unreasonableness of rates, discrimination, demurrage charges, freight classification, &c., affected the public generally, and were among the most important of the matters dealt with by the board; while, on the other hand, matters relating to the construction or operation of railways, railway crossings and junctions, highway crossings, farm crossings, the expropriation of lands for railway purposes, &c., may be, and often are, of very great importance to localities or individuals.

JUDGMENTS OF THE BOARD.

The summary of judgments delivered by the board, covering a period of twenty-six months, from February 1, 1904, to March 31, 1906, prepared by the law clerk, Mr. A. G. Blair, jr., will be found under Appendix 'D.'

This summary, it is hoped will prove of considerable value to those who are interested in the practical working out of the Railway Act, 1903.

ROUTINE WORK OF THE BOARD.

Record Branch.

This department is under the immediate supervision of the secretary of the board.

It is hardly possible to over-estimate the importance, not only to the board but to the public, of having the board's records kept in a complete and systematic manner, not only for the purpose of assisting the board in the despatch of business but also in order to enable the public to obtain information promptly and without undue delay.

In referring to the records, attention might be called to the fact that the board superseded the Railway Committee of the Privy Council, and that all the previous records relating to the proceedings of the Railway Committee of the Privy Council passed into the custody of the board, covering a period of nearly forty years. It will thus be seen that from its inception the keeping of the records of the board assumed large proportions, and necessitated at the outset the employment of a thoroughly skilled and efficient record clerk and staff.

By reference to the subjoined table, it will be observed that the number of applications show a steady and marked increase, as also the general filings and orders issued by the board. The present rate of increase will necessitate the providing from time to time of increased accommodation and additional staff, and it is highly desirable that ample provision be made for future requirements in the matter of accommodation.

The docket work consists, mainly, of the filing and recording in the official dockets of all applications or complaints received by the board, as well as recording the orders made and inquiries and investigations instituted. In many instances where the complaint is made by a person not versed in the usual methods of procedure under the Railway Act, the board takes the matter up and furnishes copies of the complaint made, enters into communication with the railway company or companies interested, and endeavours to have the complaint adjusted without the necessity of a public hearing. In certain instances it has been found that the complaint was ill-founded, and was due to some misapprehension on the part of the complainant. It has not been found practicable in this report to classify the matters that have been dealt with in this way, but the number is large.

With regard to the cases heard by the board at public sittings, during the twenty-six months covered by this report, over thirty-eight thousand folios of testimony was taken before the board at these hearings. Four copies of the testimony are made.—three for the use of the commissioners and one for the secretary and public reference.

The following is a table of formal applications received under the Act, documents filed, including informal complaints not included under applications, and orders issued by the board:—

	1st Feb., 1904 To 31st March, 1905.	1st April, 1905. To 31st March, 1906.	Totals.
Applications.....	1,009	1,487	2,496
Filings.....	10,870	17,653	28,523
Orders.....	405	617	1,022

TRAFFIC DEPARTMENT.

This is a separate and distinct department from the Record Branch, although many of the matters pertaining to the traffic department, such as applications and orders relating to traffic matters, are recorded in what may be called 'the Record Branch proper.'

The department is under the immediate supervision of a Chief Traffic Officer, who has under him a considerable staff. A statement of the freight and passenger schedules filed with the board between February 1, 1904, and March 31, 1906, will be found in conjunction with the report of the Chief Traffic Officer under Appendix E at page .

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ENGINEERING DEPARTMENT.

This, like the Traffic Department, has a separate system for the receiving and filing of the plans relating to the location of railway lines, building of bridges, crossings, &c., and is under the supervision of a Chief Engineer and three assistants. A list of examinations and inspections made by the Engineering Department of the board, covering a period of twenty-six months, will be found under Appendix F at page .

ACCIDENT BRANCH.

This important branch is under the supervision of an Inspector of Accidents, whose duty it is to hold investigations, under the direction of the board, of all railway accidents.

At first two inspectors, Mr. Duval and Mr. Lalonde, were appointed for this work, but through Mr. Duval's resignation the board was left with only one. It has been found impossible for one man to investigate all railway accidents throughout Canada. It is thought by the board that on account of distances to be travelled, it will be necessary to have inspectors stationed at different points in Canada, and the board has in contemplation the appointment of several inspectors who, in addition to investigating circumstances attending accidents, will also examine rolling stock and equipment and report generally respecting the manner in which various provisions of the Railway Acts and the regulations of the board are being observed. The board did instruct one of its engineers, who has recently been constantly engaged in the western portion of the Dominion, to examine into and report upon questions in that portion of the country, but it has been found that his services are so continuously required for engineering matters that he could not properly attend to the investigation of accidents also, and the board feels that it will soon be necessary to have one, and perhaps two, inspectors between Lake Superior and the Pacific. The present Inspector of Accidents has, in some cases, been required to make inspections of the roadbeds, equipment or stations on various lines of railway, as appears from his reports subjoined.

A list of reports of accidents and investigations (including inspection of railways) covering a period of twenty-six months for February 1, 1904, to March 31, 1906, divided for the purposes of convenience into two periods, will be found under Appendix G.

All of which is respectfully submitted.

A. C. KILLAM,
Chief Commissioner.

M. E. BERNIER,
Deputy Chief Commissioner.

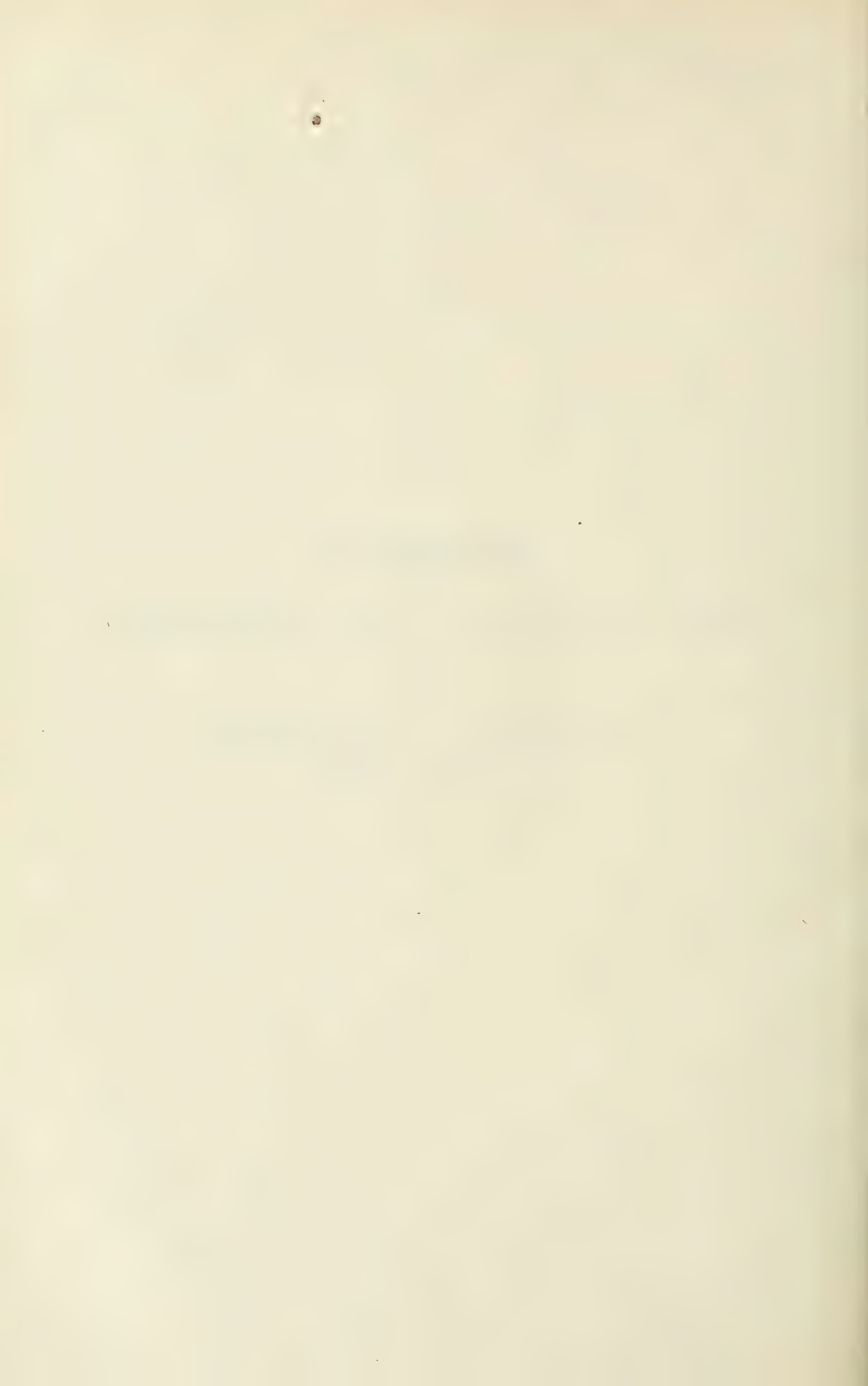
JAMES MILLS,
Commissioner.

APPENDIX A.

NAMES AND COMPENSATION OF ALL EMPLOYEES,

TOGETHER WITH

A STATEMENT OF APPROPRIATIONS
AND EXPENDITURES



APPENDIX A.

NAMES AND COMPENSATION OF ALL EMPLOYEES, TOGETHER WITH
A STATEMENT OF APPROPRIATIONS AND EXPENDITURES.

APPROPRIATION, STATEMENT OF EXPENDITURE AND PERSONS EMPLOYED BY THE BOARD OF
RAILWAY COMMISSIONERS.

STATEMENT of appropriation and aggregate expenditures for the Board of Railway
Commissioners for the fiscal year ending June 30, 1905.

For salaries of commissioners as provided by Statute 3 Ed. VII., chap. 58.. . . .	\$26,000 00
For salary of secretary, as provided by order in council.. . . .	3,000 00
	<hr/> \$29,000 00
For maintenance and operation of the Board of Railway Commissioners for Canada, Appropriation Act, 1904.. . . .	60,000 00
	<hr/> \$89,000 00
Amount paid as salaries to commissioners and secretary.... .	\$26,321 24
Amount paid for maintenance and operation of the board.. . . .	51,236 71
	<hr/> 77,236 71
Unexpended balance June 30, 1905.. . . .	\$11,442 05

CLERICAL FORCE OF THE BOARD OF RAILWAY COMMISSIONERS
FOR CANADA, FOR THE YEAR ENDING MARCH 31, 1906.

Name.	Office.	Whence appointed.	Date of Order in Council.	Per annum
G. A. Mountain.....	Engineer.....	Ontario.....	30 June, 1904.....	4,800
J. Hardwell.....	Traffic Expert.....	Quebec.....	22 June, 1904.....	3,500
A. G. Blair, Jr.....	Law Clerk.....	New Brunswick.....	20 July, 1904.....	2,500
E. C. Lalonde.....	Insp. of Acc.....	Quebec.....	20 July, 1904.....	2,200
J. E. Duval.....	Insp. of Acc.....	Ontario.....	5 April, 1904.....	2,200
C. A. Brown.....	Ch. Clk. Traff. Dept..	Ontario.....	22 June, 1904.....	2,000
E. A. Primeau.....	Reg. and Acct.....	Quebec.....	7 May, 1904.....	1,800
T. L. Simmons.....	Engineer.....	Ontario.....	3 Oct., 1904.....	1,800
J. H. Tessier.....	Engineer.....	Quebec.....	20 July, 1904.....	1,800
R. Richardson.....	Private Sec'y. to Ch. Commr.....	Ontario.....	1 May, 1905.....	1,500
C. E. McMannus.....	Clk. Traffic Dept.....	Quebec.....	20 July, 1904.....	1,000
J. W. Thomson.....	Ch. Clk. Records Dept.	Ontario.....	1 Sept., 1904.....	1,000
N. Ham.....	Clk Traffic Dept.....	Quebec.....	3 Oct., 1905.....	900
H. W. Messinger.....	Clk. Traffic do.....	Ontario.....	8 July, 1904.....	900
F. C. McGee.....	Clk. Record do.....	Ontario.....	20 Aug., 1904.....	800
C. S. Huband.....	Clk. Record do.....	Ontario.....	1 May, 1905.....	800
B. Chevrier.....	Clk. and Sten.....	Ontario.....	20 July, 1904.....	800
G. T. Riddell.....	Clk. Traffic Dept.....	Quebec.....	1 May, 1905.....	720
T. Chandler.....	Court Usher.....	Ontario.....	7 May, 1904.....	700
L. J. Lewis.....	Clk. and Sten.....	Ontario.....	7 May, 1905.....	600
L. M. Cameron.....	Clk. and Sten.....	Ontario.....	20 July, 1904.....	600
R. Larose.....	Clk. and Sten.....	Ontario.....	1 May, 1905.....	550
J. Arbick.....	Messenger.....	Ontario.....	23 Dec., 1904.....	510
D. Langelier.....	Messenger.....	Quebec.....	20 July, 1904.....	500
G. Taylor.....	Cook on Official Car..	Ontario.....		720

APPENDIX B.

RULES AND REGULATIONS OF THE BOARD

APPENDIX B.

RULES AND REGULATIONS OF THE BOARD.

(Meeting at Ottawa.)

TUESDAY, the 18th day of October, A.D. 1904.

The board, in virtue of the provisions of the Railway Act, 1903, hereby makes the following rules and regulations:—

PUBLIC SESSIONS.

1. The general sessions of the board for hearing contested cases will be held at its Court Room in Ottawa, Ontario on such dates and at such hour as the board may designate.

When special sessions are held at other places, such announcements as may be necessary will be made by the board.

INTERPRETATION.

2. In the construction of these rules, and the forms herein referred to, words importing the singular number shall include the plural, and words importing the plural number shall include the singular number; and the following terms shall (if not inconsistent with the context or subject) have the respective meanings hereinafter assigned to them; that is to say, 'Application' shall include complaint under this Act; 'Respondent' shall mean the person or company who is called upon to answer to any application or complaint; 'Affidavit' shall include affirmation; and 'Costs' shall include fees, counsel fees, and expenses.

APPLICATION OR COMPLAINT.

3. Every proceeding before the board under this Act shall be commenced by an application made to it, which shall be in writing and assigned by the applicant or his solicitor; or in the case of a corporate body or company being the applicants shall be signed by their manager, secretary, or solicitor. It shall contain a clear and concise statement of the facts, the grounds of application, the section of the Act under which the same is made, and the nature of the order applied for, or the relief or remedy to which the applicant claims to be entitled. It shall be divided into paragraphs, each of which, as nearly as possible, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively. It shall be endorsed with the name and address of the applicant, or if there be a solicitor acting for him in the matter, with the name and address of such solicitor. The application shall be according to the forms in schedule No. 1.

The application, so written and signed as aforesaid, shall be left with or mailed to the secretary of the board, together with a copy of any document, or copies, of any maps, plans, profiles, and books of reference, as required under the provisions of the Act, (a) referred to therein, or which may be useful in explaining or supporting the same. The secretary shall number such applications according to the order in which they are received by him and make a list thereof. From the said list there shall be made up a docket of cases for hearing which, as well as their order of entry on the docket, shall be settled by the board. Said docket list when completed to be put upon a notice board provided for that purpose, which shall be open for inspection at the office of the secretary during office hours.

(a) For further particulars of plans, &c., see regulations in Appendix.

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ANSWER.

4. Within ten days from the service of the application, the respondent or respondents shall mail or deliver to the applicant, or his solicitor, a written statement containing in a clear and concise form their answer to the application, and shall also leave or mail a copy thereof with or to the secretary of the board at its office, together with any documents that may be useful in explaining or supporting it. The answer may admit the whole or any part of the facts in the application. It shall be divided into paragraphs, which shall be numbered consecutively, and it shall be signed by the person making the same, or his solicitor. It shall be endorsed with the name and address of the respondents, or if there be a solicitor acting for them in the matter, with the name and address of such solicitor. It shall be according to the form in schedule No. 2.

REPLY.

5. Within four days from the delivery of the answer to the application, the applicant shall mail or deliver a reply thereto to the respondents, and a copy thereof to the secretary to the board, and may object to the said answer as being insufficient, stating the grounds of such objection, or deny the facts stated therein, or may admit the whole or any part of said facts. The reply shall be signed by the applicant or his solicitor, and may be according to form No. 3 in the said schedule.

The board may, at any time, require the whole or any part of the application, answer or reply, to be verified by affidavit, upon giving a notice to that effect to the party from whom the affidavit is required; and if such notice be not complied with the application, answer or reply may be set aside, or such part of it as is not verified according to the notice may be struck out.

SUSPENSION OF PROCEEDINGS.

6. The board may require further information, or particulars, or documents from the parties and may suspend all formal proceedings until satisfied in this respect.

If the board, at any stage of the proceedings, think fit to direct inquiries to be made under any of the provisions of this Act, it shall give notice thereof to the parties interested, and may stay proceedings or any part of the proceedings thereon accordingly.

NOTICE.

7. In all proceedings under this Act, where notice is required, a copy or copies of said proceeding or proceedings, for the purpose of service, shall be endorsed with notice to the parties in the forms of endorsement set forth in schedules Nos. 1 and 2; and in default of appearance the board may hear and determine the application *ex parte*.

Endorsements shall be signed in accordance with the provisions of Section 28.

The board may enlarge or abridge the periods for putting in the answer or reply, and for hearing the application and in that case the period shall be endorsed in the notice accordingly.

Except in any case where it is otherwise provided ten days' notice of any application to the board or any hearing by the board shall be sufficient; unless, in any case, the board directs longer notice. The board may, in any case, allow notice for any period less than ten days, which shall be sufficient notice as if given for ten days or longer. (Section 31.)

Notice may be given or served as provided by Section 28 of the Act.

When the board is authorized to hear an application or make an order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be valid and take effect in all respects as if made on due notice; but any person entitled to notice, and not sufficiently

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notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the board may allow, apply to the board to vary, amend, or rescind such order or decision; and the board shall thereupon, on such notice to all parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision or dismiss the application, as may seem to it just and right. (Section 32.)

CONSENT CASES.

8. In all cases the parties may, by consent in writing, with the approval of the board, dispense with the form of proceedings herein mentioned, or some portion thereof.

POWER TO DIRECT AND SETTLE ISSUES.

9. As it appears to the board at any time that the statements in the application, or answer, or reply do not sufficiently raise or disclose the issues of fact in dispute between the parties, it may direct them to prepare issues, and such issues shall, if the parties differ, be settled by the board.

PRELIMINARY QUESTIONS OF LAW.

10. If it appear to the board at any time that there is a question of law which it would be convenient to have decided before further proceeding with the case, it may direct such question to be raised for its information, either by special case or in such other manner as it may deem expedient, and the board may pending such decision, order the whole or any portion of the proceeding before the board in such matter, to be stayed.

PRELIMINARY MEETING.

11. If it appear to the board at any time before the hearing of the application that it would be advantageous to hold a preliminary meeting for the purpose of fixing or altering the place of hearing, determining the mode of conducting the inquiry, the admitting of certain facts or the proof of them by affidavit, or for any other purpose, the board may hold such meeting upon such notice to the parties as it deems sufficient, and may thereupon make such orders as it may deem expedient.

PRELIMINARY EXAMINATION WITH THE PARTIES.

12. The board may, if it thinks fit, instead of holding the preliminary meeting, provided for in Rule 11, communicate with the parties direct, and may require answers to such inquiries as it may consider necessary.

PRODUCTION AND INSPECTION OF DOCUMENTS.

13. Either party shall be entitled, at any time, before or at hearing of the case, to give notice in writing to the other party whose application, or answer, or reply reference was made to any document, to produce it for the inspection of the party giving such notice, or his solicitor, and to permit him to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put in such documents in evidence on his behalf in said proceedings, unless he satisfy the board that he had sufficient cause for not complying with such notice.

NOTICE TO PRODUCE.

14. Either party may give to the other a notice in writing to produce such documents as relate to any matter in difference (specifying the said documents), and which are in the possession or control of such other party; and if such notice be not complied with, secondary evidence of the contents of the said documents may be given by or on behalf of the party who gave such notice.

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15. Either party may give to the other party a notice in writing to admit any documents, saving all just exceptions, and in case of neglect to admit, after such notice, the cost of proving such documents shall be paid by the party so neglecting or refusing, whatever the result of the application may be; unless, on the hearing, the board certifies that the refusal to admit was reasonable; and no costs of proving any document shall be allowed, unless such notice be given, except where the omission to give the notice is, in the opinion of the board, a saving of expense.

WITNESSES.

16. The attendance and examination of witnesses, the production and inspection of documents, shall be enforced in the same manner as is now enforced in a Superior Court of law; and the proceedings for that purpose shall be in the same form, *mutatis mutandis*, and they shall be sealed by the secretary of the board with the seal and may be served in any part of Canada. (Sec. 23.)

Witnesses shall be entitled, in the discretion of the board, to be paid the fees and allowances prescribed by schedule No. 4, annexed hereto.

THE HEARING.

17. The witnesses at the hearing shall be examined *viva voce*; but the board may, at any time, for sufficient reason, order that any particular facts may be proved by affidavit, or that the affidavit of any witnesses may be read at the hearing on such conditions as it may think reasonable; or that any witnesses whose attendance ought, for some sufficient reason, to be dispensed with, be examined before a commissioner appointed by it for that purpose, who shall have authority to administer oaths, and before whom all parties shall attend. The evidence taken before such commissioner shall be confined to the subject matter in question, and any objection to the admission of such evidence shall be noted by the commissioner and dealt with by the board at the hearing. Such notice of the time and place of examination as is prescribed in the order shall be given to the adverse party. All examinations taken in pursuance of any of the provisions of this Act, or of these rules, shall be returned to the court; and the depositions certified under the hands of the person or persons taking the same may, without further proof, be used in evidence, saving all just exceptions. The board may require further evidence to be given either *viva voce* or by deposition, taken before a commissioner or other person appointed by it for that purpose.

The board may, in any case when deemed advisable, require written briefs to be submitted by the parties.

The hearing of the case, when once commenced, shall proceed, so far as in the judgment of the board may be practicable, from day to day.

JUDGMENT OF THE BOARD.

18. After hearing the case the board may dismiss the application, or make an order thereon in favour of the espondents, or reserve its decision, or (subject to the right of appeal in the Act mentioned) make such other order on the application as may be warranted by the evidence and may seem to it just.

The board may give verbally or in writing the reasons for its decisions. A copy of the order made thereon shall be mailed or delivered to the respective parties. It shall not be necessary to hold a court merely for the purpose of giving decisions.

Any decision or order made by the board under this Act may be made an order of the Exchequer Court, or a rule, order, or decree of any Superior Court of any province of Canada, and shall be enforced in like manner as any rule, order, or decree of such court. To make such decision or order a rule, order or decree of such court, the usual practice and procedure of the court in such matters may be followed, or in lieu thereof the form prescribed in subsection 2, section 35, of the Act.

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The board shall with respect to all matters necessary or proper for the due exercise of its jurisdiction under this Act, or otherwise for carrying this Act into effect, have all such powers, rights and privileges as are vested in a Superior Court. (Sec. 23.)

ALTERATION OR RESCINDING OF ORDERS.

19. Any application to the board to review, rescind, or vary any decision or order made by it shall be made within thirty days after the said decision or order shall have been communicated to the parties, unless the board think fit to enlarge the time for making such application, or otherwise orders.

APPEAL.

20. If either party desire to appeal to the Supreme Court of Canada from the decision or order of the board upon any question which, in the opinion of the board, is a question of law, he shall give notice (c) thereof to the other party and to the secretary, within fourteen days from the time when the decision or order appealed from was made, unless the board allows further time, and shall in such notice state the grounds of the appeal. The granting of such leave shall be in the discretion of the board.

For procedure upon such leave being obtained see section 44, subsection 4 *et seq.* of the Act.

An appeal shall lie from the board to the Supreme Court of Canada upon a question of jurisdiction; but such appeal shall not lie unless the same is allowed by a judge of the said court upon application and hearing the parties and the board.

The costs of such application shall be in the discretion of the judge.

INTERIM EX PARTE ORDERS.

21. Whenever the special circumstances of any case seem to so require, the board may make an interim ex parte order requiring or forbidding anything to be done which the board would be empowered upon application, notice and hearing to authorize, require or forbid. No such interim order shall, however, be made for a longer time than the board may deem necessary to enable the matter to be heard and determined. (Sec. 38).

AFFIDAVITS.

22. Affidavits of service according to the form No. 6 shall forthwith, after service be filed with the board in respect of all documents or notices required to be served under these rules except when notice is given or served by the secretary of the board, in which case no affidavit of service shall be necessary.

All persons authorized to administer oaths to be used in any of the Superior courts of any province, may take affidavits to be used on any application to the board.

Affidavits used before the board, or in any proceeding under this Act, shall be filed with the secretary of the board at its office.

Where affidavits are made as to belief, the grounds upon which the same are based must be set forth.

COMPUTATION OF TIME.

23. In all cases in which any particular number of days, not expressed to be clear days, is prescribed by this Act, or by these rules, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on a Sunday, Christmas Day, or Good Friday, or a day appointed for a public fast or thanksgiving in the Dominion or any of the provinces, in which case the time shall be reckoned exclusively of that day also.

(c) For form of notice see form No. 5 in the schedule hereto.

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ADJOURNMENT.

24. The board may, from time to time, adjourn any proceedings before it.

AMENDMENT.

25. The board may at any time allow any of the proceedings to be amended, or may order to be amended or struck out any matters which, in the opinion of the board, may tend to prejudice, embarrass, or delay a fair hearing of the case upon its merits; and all such amendments shall be made as may, in the opinion of the board, be necessary for the purpose of hearing and determining the real question in issue between the parties.

FORMAL OBJECTIONS.

26. No proceedings under this Act shall be defeated or affected by any technical objections or any objections based upon defects in form merely.

PRACTICE OF EXCHEQUER COURT WHEN APPLICABLE.

27. In any case not expressly provided for by this Act, or these rules, the general principles of practice in the Exchequer Court may be adopted and applied, at the discretion of the board to proceedings before it.

COSTS.

28. The costs of and incidental to any proceedings before the board shall be in the discretion of the board, and may be fixed in any case at a sum certain, or may be taxed. The board may order by whom and to whom the same are to be paid, and by whom the same are to be taxed and allowed.

SCHEDULE No. 1.

(Forms of Application.)

The Board of Railway Commissioners for Canada.

Application No. (This No. is to be filled in by the secretary on receipt.)

A. B. of C. D. hereby applies to the board for an order under section 198 of The Railway Act, 1903, directing the Railway Company to provide and construct a veritable farm crossing where the company's railway intersects this farm in lot con. tp. county of Ontario, and states—

1. That he is the owner of the land, &c.
2. That by reason of the construction of the said railway he is deprived, &c.
3. That it is necessary for the proper enjoyment of his said land, &c.

Dated this day of A.D. 19 .

(Signed A.B.)

Endorsements.

The within application is made by A. B. of (state address and occupation) or by C. D., of his solicitor.

Take notice that the within named Railway Company is required to file with the Board of Railway Commissioners within ten days from the service hereof, its answer to the within application.

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Form of Application.
(Where no Notice Required.)

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

Application No. .

The Railway Company hereby applies to the board for an order under section 130 of the Railway Act, 1903, sanctioning the plans, profiles and books of reference submitted in triplicate herewith, showing a proposed deviation of its line of railway as already constructed between and , mile-age to .

Dated this day of A.D. 19 .

(Signed A.B.)

SCHEDULE No. 2.
(Form of Answer.)

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

In the matter of the Application, No. of A.B. for an order under section 198 of the Railway Act, 1903 directing Railway Company to provide a farm crossing.

The said company, in answer to the said application, states:—

1. That the said A.B. is not the owner, but merely, &c.
2. That upon the acquisition of the right of way of the said railway, A.B. was duly paid for and released, &c.
3. That the said A.B. has other and safe and convenient means, &c.
4. That, &c.

Dated, &c.

Endorsements.

The within answer is made by A.B. of (state address and occupation) or by C.D. of his solicitor.

Take notice that the within named applicant is required to file with the Board of Railway Commissioners within four days from the service hereof, his reply to the within answer.

SCHEDULE No. 3.
(Reply.)

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

In the matter of the application of A.B. against the company.

The said A.B., in reply to the answer of the said company states that:—

1.
2. And the said A.B. admits that

Dated this day of A.D. 19 .

(Signed Q.)

SCHEDULE No. 4.
(Fees and allowances to witnesses.)

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

To witnesses residing within three miles of the court room,	
per diem (not including ferry and meals)	\$1 00
Barristers, attorneys and physicians, when called upon to give evidence in consequence of any professional services rendered by them, or to give professional opinion, per diem	5 00

Engineers, surveyors and architects, when called upon to give evidence of any professional services rendered by them, and to give evidence depending upon their skill and judgment, per diem... .. 5 00

If the witnesses attend in one case only, they will be entitled to the full allowance. If they attend in more than one case, they will be entitled to a proportionate part in each case only.

When witnesses travel over three miles they shall be allowed expenses according to the sum reasonably and actually paid, which in no case shall exceed twenty cents per mile one way.

SCHEDULE No. 5.

(Notice of Appeal.)

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

In the matter of the application No. , of A.B., for an order under section 198 of the Railway Act, 1903, authorizing the Railway, &c., &c.

To the Board of Railway Commissioners,
and

To
The above named applicant (or respondent, as the case may be).
Take notice that the Company will apply to the board on the day of , (not exceeding fourteen days from the date thereof), for leave to appeal to the Supreme Court of Canada from the order of the board, dated the day , in the matter of the above application authorizing the expropriation of certain lands referred to in said order, and directing that compensation or damages to be awarded to the owners of said lands, or persons interested therein, shall be ascertained as and from the date of the application, (or such other time as may be named in this order).

The grounds of appeal are that as a matter of law, the awarding of such compensation or damages should be ascertained and determined from the date of the deposit of plan, profile, &c., as provided under section 153 of the Act, and not from the time stated in the order.

Dated this day of .
Signed,
Solicitor, &c.

SCHEDULE No. 6.

(Form of Affidavit of Service.)

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

In the matter of the application No. , of A.B., for an order under section 198 of the Railway Act, 1903, directing Railway Company to provide a farm crossing.

I, , of the city of Ottawa, &c., make oath and say:—

1. That I am a member, &c.
2. That I did on 19 , serve the (C.P.) Railway Company above named with a true copy of the (application) of the said (A.B.) in this matter by delivering the same to (C.D.) the (secretary) of the said company, (or to E.F., the assistant to the general manager) of the company, being an adult person in the employ of the company at the head office of the company in (Montreal), see section 28 (a), which said copy was endorsed with the following notice, viz.—

(Copy exactly.)

Sworn, &c.

SESSIONAL PAPER No. 20c

REQUIREMENTS ON APPLICATION HAVING REFERENCE TO PLANS.

No. 1.—General Location of Railway—Sections 122-124.

(a) Send to secretary of the Department of Railways and Canals: 3 copies of map showing the general location of the proposed line of railway, the termini and the principal towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tide-water, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway, and generally the physical features of the country through which the railway is to be constructed.

1st copy to be examined and approved by the minister and filed in the Department of Railways and Canals.

2nd copy to be approved by minister for filing by the company with the board.

3rd copy to be approved by minister for the company.

Scale of map—not less than 6 miles to the inch.

(b) Upon approved general location map being filed by the company with the board, send to the secretary of the board three sets of plans prepared exactly in accordance with the 'general notes' hereunder, as follows:—

1st set— $\left\{ \begin{array}{l} 1 \text{ plan.} \\ 1 \text{ profile.} \\ 1 \text{ book of reference.} \end{array} \right\}$ To be examined, sanctioned and deposited with the board.

2nd set—Same as 1st.—To be examined, certified and returned for registration.

3rd set—Same as 1st.—To be certified and returned to company.

Scale—Plans—400 feet to the inch.

N.B.—In prairie country, scale may be 1,000 feet to the inch.

Profiles.—Horizontal, 400 feet; vertical, 20 feet.

No. 2.—To Alter Location of Line Previously Sanctioned or Completed—Section 130.

Send to the secretary of the board three sets of plans, profiles and books of reference as required in No. 1 (b).

(N.B.—The plans and profiles so submitted will be required to show the original location, grades and curves, and the changes desired or necessitated.)

Scale—Same as No. 1 (b).

No. 3.—Plans of Completed Railway. Section 128.

Send to the secretary of the board within six months after completion three sets of plans and profiles of the completed road.

1st set to be filed with the board.

2nd set to be certified and returned to the company.

3rd set for registration purposes.

Scale—Same as No. 1 (b).

No. 4.—To take Additional Lands for Stations, Snow Protection, &c.—Section 139.

Send to the secretary of the board three sets of plans and documents as follows:—

1st set— $\left\{ \begin{array}{l} 1 \text{ application sworn to by officers required} \\ \text{to sign and certify plans. See 'General} \\ \text{Notes.'} \\ 1 \text{ plan, 1 profile.} \\ 1 \text{ book of reference.} \end{array} \right\}$ To be examined and certified and deposited with the Board.

2nd set (same as first)—For certificate and return for registration, with duplicate authority.

3rd set (same as first)—For certificate and return to company, with copy of authority.

Scale—Same as No. 1 (b).

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N.B.—Ten days' notice of application must be given by the applicant company to the owner or possessor of the property, and copies of such notice with affidavits of service thereof must be furnished to the board on the application.

No. 5—Branch Lines, not exceeding six miles—Section 175.

(a) 1 plan, profile and book of reference same as No. 1 (b) to be deposited in Registry Office.

Upon such registration 4 weeks public notice of application to the board to be given.

Send to the secretary of the board an application with copies of the plan, profile and book of reference certified by the registrar as a duplicate of those so deposited in the registry office.

A certified copy of the order authorizing the construction of the branch lines to be registered together with any papers and plans showing changes directed by the board.

A map showing the adjacent country, neighbouring lines, &c., must be sent to the secretary of the board with the application.

Proof of registration and of public notice having been duly given will be required upon the application.

Scale—Same as No. 1 (b).

No. 6—Railway Crossings or Junctions. Section 177.

Send to the secretary of the board with an application three sets of plan of both roads at point of crossing.

Scale—Plan—100 feet to the inch.

Also three sets of plan and profile of both roads on either side of the proposed crossing for a distance of two miles.

Scale—Plan—400 feet to the inch.

Profile—400 feet to inch horizontal; 20 feet to inch vertical.

1st set for approval by and filing with the board.

2nd and 3rd sets to be certified and furnished to the respective companies concerned, with certified copy of order.

The applicant company must give ten days' notice of application to the company whose lines are to be crossed or joined, and shall serve with such notice a copy of all plans and profiles and a copy of the application. Upon completion of work application must be made to the board for leave to operate.

No. 7—Highway Crossings.—Sections 184 to 191.

Send to the secretary of the board with an application, three sets of plans and profiles of the crossings.

Scale—Plan—100 feet to inch.

Profile—100 feet to inch horizontal; 20 feet to inch vertical.

1st set for approval by and filing with the board.

2nd and 3rd sets to be furnished to the respective parties concerned, with a certified copy of the order approving the same.

The plan and profile shall show at least $\frac{1}{2}$ a mile of the railway and 200 feet of the highway on each side of the crossing.

The applicant must give ten days' notice of application to the opposite party and with such notice shall serve a copy of the plan and profile and of the application.

No. 8.—Crossings with wires for Telegraph, Telephones and Powers.—Section 194.

Send to the secretary of the board with the application a plan and profile in duplicate. Profile must show the distance between the different lines of wire.

A copy of plan and profile to be sent to the railway company with notice of application.

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No. 9.—Crossings and Works upon Navigable Waters, Beaches, &c.—Section 182.

Upon sight and general plans being approved by the Governor in Council, send to the secretary of the board:—

Certified copy of order in council with the plans and description approved thereby—1 application and 2 sets of detail, plans, profiles, drawings and specifications.

1st set for filing with board.

2nd set to be certified and returned to company with certified copy of order.

Upon completion of work, application must be made to the board for leave to operate.

No. 10.—Bridges, Tunnels, Viaducts, Trestles, &c., over 18 ft. span.—Section 203.

(a) Must be built in accordance with standard specification and plans, approved of by the board.

(b) Or detail plans, profiles, drawings and specifications which may be blue, white or photographic prints, must be sent to the secretary of the board for approval, &c., as in No. 8.

No. 11.—Stations.—Section 204.

Send to the secretary of the board:—

Two sets of detail plans, profiles, drawings and specifications, with an application for approval.

1st set for filing with the board.

2nd set to be certified and returned to company with certified copy of order of approval.

GENERAL NOTES.

Plans (for Nos. 1 (b) to 5) must show the right of way, with lengths of sections in miles, the names of the terminal points, the station grounds, the property lines, owner's names, the areas and length and width of land proposed to be taken, in figures (every change of width being given) the curves and the bearings, also all open drains, water courses, highways, and railways proposed to be crossed or affected.

Profiles must show the grades, curves, highway and railway crossings, open drains and water courses, and may be endorsed on the plan itself.

Books of reference shall describe the portion of land proposed to be taken in each lot to be traversed, giving numbers of the lots, and the area, length and width of the portion thereof proposed to be taken and names of owners and occupiers so far as they can be ascertained.

All plans, profiles and books of reference must be dated and must be certified and signed by the president or vice-president or general manager, and also by the engineer of the company.

The plan and profile to be retained by the board must be on *linen*, the copies to be returned may be either white, blue or photographic prints.

All profiles shall be based, where possible, upon sea level datum.

All books of reference must be made on good thick paper and in the form of a book with a suitable paper cover. The size of such books when closed shall be as near as possible to 7½ inches by 7 inches.

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FORM OF BOOK OF REFERENCE REQUIRED.

.....Railway Company.
.....Division or ProvinceBranch.

Book of reference to accompany location plan showing lands required for railway purposes.

Station to	Station.	Width of R'y.	Owner.		Centre of Book when open.	Part of	Sec. or Lot.	Township Parish Block or Number of Claim.	Range	Con- tents, Acres	Re- marks.

INTERLOCKING SYSTEM.

Rules for Signals and Speed of Trains where one Steam Railway Crosses Another at Rail Level.

When the signal on distant semaphore post indicates *caution*, a train passing it must be under *full control* and come to a *full stop* before reaching the home post.
When the signal on the home post indicates *danger*, it must *not be passed*.
When the signals on the distant and home post indicate *safety*, the trains can proceed.
When clear signals are shown the speed of passenger trains must be reduced to *twenty* miles and freight trains to *ten* miles per hour, until the entire train has passed the crossing.

GENERAL REQUIREMENTS.

Applicable to Steam Railways for Interlocking, Derailing and Signal System at Crossings at Rail Level and at Junctions.

The plan and construction of interlocking, signalling and derailing system to be used at rail level crossings and junctions of one railway by another must be arranged to conform to the following general rules:—
1. The normal position of all signals must indicate danger, derail points open and the interlocking so arranged that it will be impossible for the operator to give conflicting signals.
2. The derail points must be placed not less than 500 feet from point of intersection of the crossing of junction tracks, unless in special cases in which the board authorizes in writing a less distance.
3. On side track the position of derail points may be located so as to best accommodate the traffic, and provide the same measure of safety indicated in foregoing rules.
4. On single track railways derail points, when practicable, should be on inside of curve and on double track railway the derail points should be in outside rail on both tracks. On double track railways, back up derails will be required.

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5. Home signal posts must be 50 feet beyond point of derail, and the distance between home and distant signals must be not less than 1,200 feet. Signal post should be placed on engineman's side of track it governs.

6. Guard rails should be laid on outside of rail in which the derail is placed and commence at least 6 feet toward home signal from point to derail, extending from thence toward crossing, parallel with and 9 inches distant from track rail, for 400 feet.

7. In case there are cross-overs, turnouts, or other connecting tracks involved in the general system, the movements of cars and trains upon which present an element of danger, which will be enhanced by the passage of trains on main tracks over crossings without stopping, and consequently at higher speed than would be the case without the permit sought, then, and in all such cases, whether such enhanced danger be of collision between cars and trains of the same railway, or between cars or trains of different railways, it will be necessary, in addition to the protection of the main crossing, to provide by proper appliances against any such increased collateral dangers in the same complete manner as is required in the case of the main crossing.

8. Application for inspection of interlocking plant must be made to the board accompanied by a plain diagram, showing location of crossing and position of all main tracks, sidings, switches, turnouts, &c.

The several tracks must be indicated by letters or figures, and reference made to each, explaining the manner of its use. The rate of grade on each main track must be shown, together with numbers of signals, derails, locks, &c., corresponding to levers in tower.

It is intended herein to state general rules, which will govern the construction of any proposed system of interlocking. The traffic to be done, relative position and operation of intersecting lines may require safeguards not mentioned herein.

The system of derailing, signalling and interlocking must be connected and worked and be complete in each particular before the board will grant an order authorizing the operation of such interlocking, derailing and signal system, or the crossing by the railway ordered to put on the system.

Board of Railway Commissioners for Canada,
Ottawa, August, 1904.

GENERAL REQUIREMENTS FOR INTERLOCKING AT DRAWBRIDGES.

Interlocking, signalling and derailing systems to be used at drawbridges must be arranged to conform to the following general rules:—

1. The normal position of all signals must indicate danger, derail points open, and the interlocking so arranged that it will be impossible for the operator to open the draw until signals and derails are set against the approaching train movement.

2. Where the grade is practically level the derailing points shall be located not less than 500 feet from the ends of the bridge, but in case of a descending grade towards the bridge, the derailing point must be located at such distance from the bridge as to give the same measure of protection that is required for a level approach.

3. On single track railways, derail points, when practicable, should be on the inside of curve, and on double track railways, the derail points should be in outside rails of both tracks.

4. On double track railways back-up rails will be necessary.

5. Home signal posts must, when practicable, be located on the engineman's side of the track they govern, and should be not less than fifty (50) feet nor more than two hundred (200) feet in advance of the point they govern, the distant signals should be located not less than twelve hundred (1,200) feet in advance of the home signal, with which it operates and on the same side of the track. The distance signal should be distinguished by a notch cut in the end of the semaphore arm.

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6. The arms and back lights of all signals should be visible to the signalman in the tower. If from any cause, the arm or light of any signal cannot be placed so as to be seen by the signalman, a repeater or indicator should be provided in the tower.

7. Guard rails should be laid on outside of rail in which the derail is placed, and, commencing at least 6 feet in advance of derail, should extend thence towards the end of the bridge, parallel with and 9 inches from track rail, for not less than 400 feet.

8. Application for inspection must be made same as for railway crossings.

Board of Railway Commissioners for Canada.

Ottawa, August, 1904.

By order of the board,

A. D. CARTWRIGHT,
Secretary.

APPENDIX C.

LIST OF APPLICATIONS HEARD AT PUBLIC SITTINGS
OF THE BOARD COVERING THE PERIOD FROM
FEBRUARY 1, 1904, TO MARCH 31, 1906

APPENDIX C.

LIST OF APPLICATIONS HEARD AT PUBLIC SITTINGS OF THE BOARD COVERING THE PERIOD FROM FEBRUARY 1, 1904, TO MARCH 31, 1906.

1. Application of the Vancouver, Westminster and Yukon Railway Company to the board to repeal, rescind or vary an order of the Railway Committee of the Privy Council, dated January 25, 1904.

2. Application of the Vancouver, Westminster and Yukon Railway Company for an extension of the interim order of the Railway Committee of the Privy Council, dated December 28, 1903, *re* the V. W. and Y. Railway crossing the Canadian Pacific Railway at Sapperton.

3. Application of the Vancouver, Westminster and Yukon Railway Company for approval of the place and mode of crossing, at rail level, by its railway, of the British Columbia Electric Railway on Westminster avenue and at Venables and Powell streets, in the city of Vancouver.

4. Application of the Grand Trunk Railway Company for an order varying or amending the order of the Railway Committee of the Privy Council of November 11, 1903, approving of the Lindsay, Bobcaygeon and Ontonagon Railway Company running its line of railway over lands owned or occupied by the Grand Trunk Railway Company in the town of Lindsay.

5. Application of the Canadian Pacific Railway Company to the board to repeal, rescind, change or vary on order of the Railway Committee of the Privy Council, dated January 11, 1904, *re* the Bay of Quinté Railway crossing the Canadian Pacific Railway at Tweed.

6. Applications of the municipalities of Port Arthur and Fort William, under section 193, Railway Act, for connection with the Canadian Pacific Railway Company's stations.

7. Application, under section 130, chap. 58, Railway Act, for substitution of plans already approved by Minister of Railway and Canals, July 29, 1903.

8. Application of the Canadian Pacific Railway Company, under section 139 of the Railway Act, for authority to take additional lands on Point Douglas avenue, in the city of Winnipeg.

9. Application of the Niagara, St. Catharines and Toronto Railway Company for permission to intersect and unite with the Wabash Company's line, which the latter have leased from the Grand Trunk Railway Company.

10. Application of the Niagara, St. Catharines and Toronto Railway Company, *re* crossing of its railway by the branch line of the Grand Trunk Railway near Merriton.

11. Application of the Canadian Pacific Railway Company for the continuation, or otherwise, of an interim order, dated December 1, 1903, providing for the crossing of the Canadian Pacific Railway Company's Pembina branch near Holmfield station, Manitoba, by the Canadian Northern Railway.

12. Application of the Canadian Pacific Railway Company for leave to construct a branch line from a point on Credit Valley Railway (Canadian Pacific Railway) where same passes through lot 7, con. 1, of Chinguacousy, west of Hurontario street to Dale estate, in town of Brampton.

13. Application of the Canadian Pacific Railway for authority to carry a portion of highway between concessions 2 and 3 of the township of London, in county of Middlesex, over the railway of the company, by an overhead bridge at right angles to the track.

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14. Application of the Grand Valley Railway Company for approval of the place and mode of crossing by its railway of the Grand Trunk Railway by means of an overhead bridge.

15. Application of the corporation of the city of Toronto for an order directing the Grand Trunk Railway Company to protect crossing of the northern division of said railway over Bloor street, in the said city of Toronto, by gates and watchmen, the same to be protected night and day.

16. Application of the township of York to rescind or vary an order of the Railway Committee of the Privy Council, dated January 5, 1891, A.D., requiring the Canadian Pacific Railway, *et al*, to furnish certain protection on Dufferin and other streets, in the city of Toronto, on terms.

17. Application of the municipality of Ste. Cunegonde for the establishment of a rail level crossing of the Grand Trunk Railway by Dominion street, in the city of Montreal.

18. Application of the Chateauguay and Northern Railway Company for an order confirming an interim order of the Railway Committee of the Privy Council, dated January 25, 1904, authorizing crossing at rail level of the tramway tracks owned and operated by 'La Communauté des Soeurs de Charité de la Providence' at Longue Pointe, on the island of Montreal.

19. Application of the Canadian Pacific Railway Company for an order allowing the company to construct a spur track from a point on the main line near Fonseca street, in the city of Winnipeg, opposite Argyle street; thence running west of Fonseca street to Main street, with a spur track from the said track at a point near Maple street, into the lands of the said company.

20. Application of the Winnipeg Electric Street Railway Company, for approval of the place and mode of crossing of the line of the Canadian Pacific Railway by the line of the Winnipeg Electric Street Railway, on Portage avenue, in the city of Winnipeg, by means of a subway.

21. Application of the hearing of complaint of F. A. Scobell against the Kingston and Pembroke Railway Company (operated by the Canadian Pacific Railway Company) in regard to freight rates charged by the railway company on the wood products of the country adjacent to the railway.

22. Application of the United Factories, Limited, of Toronto, for the hearing of complaint against the Grand Trunk Railway System in the matter of an advance from three to four cents per one hundred pounds in the rate on logs from Penetang ex water to Newmarket.

23. Application of the Bay of Quinte Railway Company for approval of place and mode of crossing of the Central Ontario Railway at Bannockburn.

24. Application of the Toronto, Hamilton & Buffalo Railway *re* crossing of Wellington street, between Ferrie and Simcoe streets, in the city of Hamilton.

25. Application of the Canadian Pacific Railway Company for compensation by the Bay of Quinte Railway Company *re* crossing of the applicant's line and station yard in the village of Tweed.

26. Application of the Bay of Quinte Railway Company for an order compelling the Canadian Pacific Railway Company to allow the applicant to complete a crossing at the village of Tweed, and for immediate possession of the land and right of way of the Canadian Pacific Railway, in so far as it may be necessary for the purpose of completing the crossing; and for an extension of the time fixed in the original order for installation of interlocking plant at said crossing.

27. Application of the Vancouver, Westminster & Yukon Railway Company for an order extending the time for the use of the crossing by the said company of the line of the Canadian Pacific Railway at Sapperton, New Westminster, B.C., as fixed in order dated February 11, 1904, and to amend said order by permitting the said Vancouver, Westminster & Yukon Railway Company to use the said crossing for the purposes of traffic.

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28. Application of the Vancouver, Westminster & Yukon Railway Company to change the place of crossing as indicated in the order of the board dated January 25, 1904.

29. Application of the Canadian Pacific Railway Company for authority to take additional lands adjoining their railway in the city of Toronto, as shown on plan and profile filed, for the convenient accommodation of the public and of the traffic of the railway.

30. Application of the Canadian Pacific Railway Company for leave to have a case stated for the opinion of the Supreme Court in *re* Tweed crossing.

31. Application of the Grand Trunk Railway Company for authority to take certain lands between Yonge and York streets and adjoining the Esplanade, in the city of Toronto, as designated and shown on plan filed No. 12812.

32. Application of the Canadian Pacific Railway Company for an order directing the Bay of Quinte Railway Company to restore that portion of the Canadian Pacific Railway track, in the village of Tweed, known as the Mill Siding, contiguous to the Canadian Pacific Railway yard.

33. Application of the corporation of the town of Richmond for an order directing that Stanley avenue be opened to its entire length.

34. Application of the Père Marquette Railroad Company for location of station yard at Niagara Falls, Ont.

35. Application of the Lake Erie & Detroit River Railway Company for approval of the place and mode of junction of its railway with that of the Michigan Central Railway at Courtright Junction, Ontario.

36. Application of the Town of Wingham for the crossing of the Grand Trunk Railway track in the town of Wingham by Shuter street, Francis street, and Carling street, as shown on plans filed.

37. Application of the Preston & Berlin Street Railway Company for a crossing at grade of that portion of the Grand Trunk line in the town of Berlin, known as the Galt Branch.

38. Application of the Preston & Berlin Street Railway Company for a crossing by means of a subway, of that portion of the Grand Trunk line in the town of Berlin, known as the Galt Branch.

39. Application of the Grand Trunk Railway Company for an order amending orders of the Railway Committee of the Privy Council, dated respectively December 19, 1902, March 4, 1903, and June 16, 1903, *re* crossing of the Grand Trunk Railway at Kingston Junction by the Montreal road, by means of a subway; and directing the various corporations to deposit security for the payment of the monies to be expended by the Grand Trunk Railway Company on said subway.

40. Application of the municipality of the village of Irvine, Assa., N.W.T., for a road crossing at rail level of the Canadian Pacific Railway at Irvine, as shown on plan filed.

41. Application of the Peterboro' Radial Railway Company for a crossing at grade by its tracks of the line of the Canadian Pacific Railway Company at George Street, in the town of Peterboro'.

42. Application of the Peterboro' Radial Railway Company for a crossing at grade by its tracks of the line of the Grand Trunk Railway Company (a) at Charlotte street, at Grand Trunk Station; (b) at Lock street in the south end of the town of Peterboro'.

43. Application of the Board of Trade of the city of Ste. Hyacinthe, for an order compelling the Grand Trunk Railway Company to provide protection by means of gates or a bridge at a point where the said railway is crossed by Bourdages street, in the city of Ste. Hyacinthe.

44. Application of the Sarnia Street Railway for a crossing at grade by its line of railway of the Northern Division of the Grand Trunk railway, at a point between Blackwell station and Point Edward, northeast of the town of Sarnia.

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45. Application of the municipality of the township of Walpole, in the county of Haldimand, Ontario, for an order compelling the Grand Trunk Railway Company to provide a watchman at the intersection of the highroad and the line of the Grand Trunk Railway at the village of Jarvis.

46. Application of the municipality of the township of Finch, in the united counties of Cornwall and Stormont, Ontario, for an order compelling the Canadian Pacific Railway to construct a culvert for the purpose of carrying off the water of Wiseman creek.

47. Application of the municipality of the parish of Gordon, in the county of Victoria, New Brunswick, for a crossing at grade by the highway of the line of the Canadian Pacific Railway east of Tobique river.

48. Application of the Grand Trunk Railway Company of Canada for approval of proposed sidings, in the city of Toronto, for the Massey-Harris Company, as shown on plans filed.

49. Application of the Sydenham Glass Company for the hearing of the company's complaint against the Grand Trunk Railway Company, the Canadian Pacific Railway Company, the Lake Erie and Detroit River Railway Company, the Wabash Railroad Company, the Michigan Central Railroad Company, and the Toronto, Hamilton and Buffalo Railway Company, with regard to the rates charged by the said railway companies on the carriage of glassware from the city of Detroit, United States of America, to the city of Toronto, Ontario; and from the village of Wallaceburg to the city of Toronto.

50. Application of the Sutherland-Innes Company and the Wallaceburg Cooperage Company for the hearing of joint complaint against the Canadian Pacific Railway Company, the Lake Erie and Detroit River (Père Marquette road), and the Wabash Railroad Company, with respect to the rates charged by the said railways on the transportation of cooperage stock.

51. Complaint of the Fruit-Growers' Association against the Grand Trunk Railway Company, *et al.*, *re* rates on fruit.

52. *In re* complaint of Dominion Cattle Dealers' Association.

53. Complaint of Farmers' Associations *re* rates on grain, &c.

54. Complaint of Canadian Manufacturers' Association in *re* freight classification.

55. Complaint of Dominion Millers' Association *re* rates on grain and grain products, and rates on split peas.

56. Complaint of Almonte Knitting Company *re* discrimination in coal rates.

57. Complaint of Tower Oiled Clothing Company in *re* rates to Calgary, Northwest Territories, from Ontario, on oiled clothing.

58. Application of the corporation of the town of Brampton, Ontario, for an order compelling the Grand Trunk Railway Company to provide gates and a watchman at a point where Queen street, in the said town of Brampton, crosses the line of the Grand Trunk Railway.

59. Application of the Grand Trunk Railway Company for approval of plans of proposed siding from the company's line to the premises of J. E. Seagram, in the town of Waterloo.

60. Application of the Grand Trunk Railway Company for leave to construct a siding connecting the main line of the said company with the Union Stock Yards, in the town of West Toronto Junction.

61. Application of the Canadian Pacific Railway Company for leave to expropriate certain lands in the town of Galt.

62. Application of the Canadian Pacific Railway Company, as lessee of the Toronto, Grey and Bruce Railway Company, for leave to construct a branch line in the town of West Toronto Junction, and for authority to cross the line of the Grand Trunk Railway and the Suburban Railway Company, and the following streets, viz.: Cawthra avenue, Grove avenue, Mulock avenue, Keele street and West Toronto street, in West Toronto Junction.

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63. Application of the Toronto and Mimico Railway Company to cross, by means of a single track, the double tracks of the Grand Trunk Railway Company at Sunnyside, on the Lake Shore, Toronto.

64. Application of the Toronto and Mimico Railway Company to cross, by means of a single track, the switch of the Grand Trunk Railway from main line to the Starch Works at Port Credit.

65. Hearing of complaint of Corporation of city of Toronto, in *re* delay caused to passenger and vehicular traffic at the foot of Yonge street on the Esplanade, Toronto, by the shunting of trains by the Grand Trunk Railway and Canadian Pacific Railway companies.

66. Hearing of complaint of stove manufacturers and Caloric Club *re* rates on stoves charged by the Grand Trunk Railway Company *et al.*

67. Application of T. D. Robinson, of the city of Winnipeg, under the Railway Act, 1903, for an order compelling the Canadian Pacific and Canadian Northern Railway companies to interchange traffic.

68. Complaint of Messrs. T. D. Robinson and Duncan Sinclair *re* demurrage.

69. Application of the Manitoba Iron Works, Limited, under the Railway Act, 1903, in regard to the Canadian freight classification on boilers.

70. Application of the Canadian Pacific Railway Company, under section 139 of the Railway Act, 1903, for authority to take additional lands on Point Douglas avenue, in the city of Winnipeg.

71. Application of the Winnipeg Electric Street Railway Company, under section 177 of the Railway Act, 1903, for leave to cross with its tracks the tracks of the Canadian Northern Railway Company on Main street, between River avenue and Norwood, in the city of Winnipeg, Manitoba.

72. Application of the municipality of Hamiota, under the Railway Act, 1903, to compel the Canadian Pacific Railway and the Canadian Northern Railway companies to instal a transfer track at the town of Neepawa, Manitoba.

73. Application of the Canadian Pacific Railway Company, under section 175 of the Railway Act, 1903, for authority to construct, maintain and operate a branch line from its main line or branch thereof, on Point Douglas avenue, in the city of Winnipeg, Manitoba.

74. Application of Messrs. Merrick & Anderson, of Winnipeg, to compel the Canadian Pacific Railway Company to give a lower freight rate on stoves.

75. In *re* fire protection in Manitoba and the Northwest Territories.

76. Application of the Canadian Northern Railway Company, under section 177 of the Railway Act, 1903, to cross the tracks of the Canadian Pacific Railway Company at the village of Carberry, Manitoba.

77. Application of the British Columbia Lumber and Shingle Manufacturers' Association, under the Railway Act, 1903, in *re* rates on east bound lumber and shingles charged by the Canadian Pacific Railway Company.

78. Complaint of the Canadian Manufacturers' Association and the Vancouver Board of Trade in *re* transcontinental rates for general class and commodity traffic.

79. Application of the city of Vancouver, under the Railway Act, 1903, to compel the Canadian Pacific Railway Company to provide proper protection at crossings on Alexander street, Columbia avenue, Voil street, Carrol street, Hastings street and Pender street, in the city of Vancouver.

80. Application of the British Columbia Electric Railway Company, under section 177 of the Railway Act, 1903, to joint its tracks with the tracks and line of the Canadian Pacific Railway Company at Granville street, over Falls creek, in the city of Vancouver.

81. Application of the British Columbia Distillery Company, under the Railway Act, 1903, for switching connection with the Canadian Pacific Railway Company.

82. Application of the Vancouver, Westminster and Yukon Railway Company, under section 139 of the Railway Act, 1903, to take certain lands in the city of Vancouver.

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83. Application of the Corporation of the city of Revelstoke, under the Railway Act, 1903, to compel the Canadian Pacific Railway Company to furnish proper protection at Douglas street.

84. Application of Breckenridge & Lund, under the Railway Act, 1903, for authority to construct a tunnel under the track of the Crow's Nest Pass branch of the Canadian Pacific Railway.

85. Application of McGuire & Co., under the Railway Act, 1903, for an order requiring the United Coal Fields of British Columbia Railway to afford facilities for the carrying of the applicants' lumber to a point on the main line of the Canadian Pacific Railway Company.

86. Application of the Canadian Northern Railway Company, under section 177 of the Railway Act, 1903, for an order approving of the place and mode of crossing of the second or double track of the applicant company, as lessee of the Manitoba Railway Company and successors to the Northern Pacific and Manitoba Railway Company, across Pembina street and Pembina road, and Jessa, Corydon, MacMillan, Gertrude and Wardell avenues, and the lanes intersected by said line.

87. Application of the Canadian Northern Railway Company, under section 139 of the Railway Act, 1903, for authority to take certain lands, being parts of parish lots 18 to 32, inclusive, of the parish of St. Boniface, Manitoba, and for the closing of the Pembina road or highway.

88. Application of the Winnipeg, Selkirk and Lake Winnipeg Railway Company, under section 177 of the Railway Act, 1903, for an order permitting the crossing of Evelyn street, in the town of Selkirk, Manitoba, of the applicants' main line over the spur line of the Canadian Pacific Railway Company's Selkirk branch leading from the main line of the said Selkirk branch to the Red river.

89. Application of the Canadian Pacific Railway Company for a change of location of a portion of a branch line of the company's railway from Sudbury to Kleinburg, from a point on the main line east of Romford southerly to a point in block 44, in the district of Nipissing.

90. Application of the Grand Trunk Railway Company for permission to construct a branch line in the township of London, in the county of Middlesex, from a point on their line between London and St. Mary's to the Canadian Pacific Railway's line between London and Toronto, crossing various highways and the London Street Railway Company's line.

91. Application of the Canadian Pacific Railway Company for an additional crossing by the line of the Ontario and Quebec Railway of the Sarnia branch of the Grand Trunk Railway; also of the Northern Division of the Grand Trunk Railway in the vicinity of West Toronto Junction to the northwest of the city of Toronto.

92. Application of the Bay of Quinte Railway Company for an order extending the time fixed in the order of May 17, 1904, for the installation of the derails and interlocking device at the Tweed crossing from July 1, 1904.

93. Application of the Grand Trunk Railway Company for leave to construct a siding from the northern division of the Grand Trunk Railway to the Wilkinson Plough Works in the town of West Toronto Junction.

94. Application of the Canadian Pacific Railway Company to extend their siding at the village of Pontypool across the road allowance between lots 10 and 11, concession 2.

95. Application of the Grand Trunk Railway Company of Canada for authority to take, for the accommodation of the traffic of its railway and for a new station and station grounds certain lands and premises in the city of Guelph, as shown on plan filed on application.

96. Application of the Canadian Pacific Railway Company for an additional crossing of the northern division of the Grand Trunk Railway, in the vicinity of West Toronto Junction, to the northwest of the city of Toronto.

97. Application of the Preston and Berlin Street Railway Company, Limited, for leave to cross a spur line of the Grand Trunk Railway, running from their main line,

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in the town of Waterloo, and crossing Wilnot street, and switches leading from the said spur line at Charles and Josephine streets, in the town of Berlin.

98. Application of the Vancouver, Westminster and Yukon Railway Company for an order extending the time fixed in the orders of the board, dated respectively February 11 and May 13, 1904, A.D., for use of the crossing by the said company of the line of the Canadian Pacific Railway Company at Saperton, in the city of New Westminster, B.C.

99. The application of the Grand Trunk Railway for leave to construct a siding from one of their tracks on the Esplanade in the city of Toronto, to the Polson Iron Works, as shown on plans filed.

100. Application of the corporation of the town of Wingham to compel the Canadian Pacific Railway Company to protect their crossing of Josephine street and at the Mill Bridge, in the town of Wingham, with electric bells.

101. Application of the corporation of the town of Renfrew to compel the Kingston and Pembroke Railway Company and the Canadian Pacific Railway Company to furnish gates and watchmen at the crossing on Raglan street, in the town of Renfrew.

102. Application of the corporation of the city of Ottawa for an order directing the widening of the bridge on Somerset street, in the city of Ottawa, used by the Ottawa Electric Railway Company, over the tracks of the Canada Atlantic and the Canadian Pacific Railway companies.

103. Joint application of the county of Carleton and city of Ottawa for an order directing the removal of the ear embankment, constituting the eastern approach of the bridge of the Canadian Pacific Railway Company over the Rideau river, at New Edinburgh, and the substitution therefor of a bridge having a clear span of 150 feet, and the restoration of the island at this point to its original condition.

104. Application of the corporation of the city of Ottawa for an order directing the constructing of a subway on Bank street, under the tracks of the Canada Atlantic Railway Company.

105. Application of the Morrissey, Fernie and Michel Railway Company for an order authorizing the company to cross at grade the tracks of the British Columbia Southern Railway Company (Canadian Pacific Railway), at or near Fernie.

106. Application of the Morrissey, Fernie and Michel Railway Company to connect with the said British Columbia Southern Railway Company at or near Fernie.

107. Application of the Morrissey, Fernie and Michel Railway Company for an order authorizing the applicant company to construct and operate its railway at points shown on plan filed.

108. Application of the Grand Trunk Railway Company to expropriate certain lands between Yonge and Yorke streets, adjoining the Esplanade, in the city of Toronto, as shown on the plan filed.

109. Joint application of the municipalities of Fort William and Port Arthur to determine the terms and conditions of compensation, if any, to be awarded in respect of telephonic connection with the Canadian Pacific Railway stations at Fort William and Port Arthur.

110. Application of the town of Parkhill for protection of the crossing at the intersection of Main street, in the town of Parkhill, by the tracks of the Grand Trunk Railway Company, by placing a watchman at said crossing.

111. Application of the Grand Trunk Railway Company for leave to cross the line of the Canadian Pacific Railway Company between St. Thomas and Toronto, at a point about one mile west of the town of Woodstock, with the new second track now being constructed by the Grand Trunk between London and Paris.

112. Application of the municipality of the county of Elgin for an overhead crossing or subway at a point where the London and Port Stanley gravel road crosses the tracks of the Lake Erie and Detroit river railroad.

113. Application of the Niagara-Welland Power Company for leave to cross the line of the Grand Trunk Railway, known as the Allanburg branch, with the canal of

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the applicant, in lot 138, township of Stamford, and for the right of way to erect a swing bridge at the point indicated on the said plan.

114. Application of the Niagara-Welland Power Company for leave to cross the railway line of the Niagara, St. Catharines & Toronto Railway Company with the canal of the applicant in lot 85, township of Stamford, and to erect a swing bridge at the point indicated on the said plan.

115. Application of the Niagara-Welland Power Company to settle and determine by order, the manner and character of construction and the method which the Toronto and Niagara Power Company shall adopt and use in crossing the located line or canal of the applicant, in lot 184, township of Stamford, and for an order directing the Toronto and Niagara Power Company to furnish plan and profile of proposed crossing.

116. Application of the Niagara-Welland Power Company for leave to cross the railway line of the Grand Trunk Railway in lot 9, township of Stamford, by means of pipe lines or flumes.

117. Application of the Toronto, Hamilton and Buffalo Railway Company to fill in the trestle bridge of the line of the applicant crossing the farm of William Anderson, in the township of Lancaster, being part of lot 49, concession 1, in said township, and to expropriate certain lands in connection therewith.

118. Application of the London Street Railway Company, to cross into the line of the applicant company, at grade, the track of the Père Marquette Railroad, at South Street, in the City of London.

119. Application of the Père Marquette Railroad Company to cross with their line the London and Port Stanley gravel road, in the township of Yarmouth, county of Elgin.

120. Application of the Corporation of the city of St. Thomas for a permanent order permitting the electric cars of the St. Thomas Street Railway, now operated by the corporation, to cross the tracks of the Canada Southern Railway and Michigan Central, at rail level, at William street and Elgin street, in the city of St. Thomas.

121. Joint application of the Corporation of the city of St. Thomas and the township of Yarmouth, for an order directing the Canada Southern Railway and Michigan Central companies to widen the superstructure which carries the tracks of the said companies over First avenue, on the dividing line between the municipalities, and to construct a subway.

122. Application of the James Bay Railway Company, under section 137 of the Railway Act, 1903, for the right of way over certain lands of the Canadian Pacific Railway Company, in the city of Toronto, south of Front street, and between Cherry and Parliament streets, in the city of Toronto.

123. Application of George Miller, owner of the west half of lot No. 8, concession 5, township of Enniskillen, county of Lambton, for a farm crossing over the tracks of the Canada Southern Railway.

124. Application of the Corporation of the city of St. Thomas for an order directing the opening of Balaclava street across the tracks of the Grand Trunk Railway, in the city of St. Thomas.

125. Application of the Canadian Manufacturers' Association and the Manufacturers of Metallic Shingles for a ruling of the board in respect of the advance in the classification of metallic shingles in carload lots from the 7th to the 5th class, by the Canadian Freight Association, representing the various railroad companies.

126. Application of the Montreal Street Railway Company to the board for leave to cross with the tracks of the applicant company the line of the Grand Trunk Railway system, at a point near the new canal bridge at Côté St. Paul, at grade.

127. Application of the Middleton and Victoria Beach Railway Company, Limited, under section 177 of the Railway Act, 1903, for an order authorizing the junction of its railway lines with the line of the Dominion Atlantic Railway and the Halifax Southwestern Railway, at Middleton, Nova Scotia, at the point shown on plan filed, and for the crossing at said point and junction.

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128. Application of the Vancouver, Westminster and Yukon Railway Company, under section 139 of the Railway Act, 1903, to the board for authority to take additional lands in the city of Vancouver, as shown on plans filed with the board.

129. Application of the Guelph and Goderich Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Grand Trunk Railway Company (Wellington, Grey and Bruce division) near Guelph, Ontario, as shown on plan filed.

130. Application of the Guelph and Goderich Railway Company, under section 177 of the Railway Act, 1903, for leave to cross, at grade, the tracks of the Grand Trunk Railway Company at Milverton, Ontario, as shown on plan filed.

131. Application of the Guelph and Goderich Railway Company, under section 177 of the Railway Act, 1903, for approval of an overhead crossing of the tracks of the Grand Trunk Railway Company, at the town of Goderich, Ontario, as shown on plan filed.

132. Application of the Guelph and Goderich Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Grand Trunk Railway Company at the village of Blythe, Ontario, as shown on plan filed.

133. Application of the Montreal Terminal Railway Company, under section 177 of the Railway Act, 1903, for authority to cross with its railway the tracks of the Montreal Street Railway at Davidson street, in the city of Montreal, and Letourneau avenue, in the town of Maisonneuve, as shown on plan filed.

134. Application of the Corporation of the city of Toronto for an order directing that Lansdowne avenue, in the city of Toronto, as it exists south of the Canadian Pacific Railway Company's tracks, be extended and connected with Lansdowne avenue as it exists north of the Grand Trunk Railway Company's tracks (Northern division) by means of a subway shown upon plan, and directing the construction of such subway by either the Grand Trunk or the Canadian Pacific Railway companies, and upon the terms and conditions in the order of the Railway Committee of the Privy Council, dated November 19, 1899.

135. Application of the Corporation of the city of Toronto, for an order fixing new dates for the commencement and completion of the bridge at the foot of Yonge street, in the city of Toronto, as fixed in the order of the Railway Committee of the Privy Council, dated January 14, 1904, and the order of the Privy Council dated October 7, 1904, and for such other direction as may be necessary for the carrying out of the said orders.

136. Application of the Montreal Terminal Railway for an order directing the Montreal Street Railway to remove two sets of rails placed across Ernest street, in the town of Maisonneuve, thereby obstructing and preventing the completion of the Electric Railway of the applicant company on the said street; or, in the alternative, for an order authorizing the necessary diamond crossing to be installed at the cost and expense of the Montreal Street Railway.

137. Application of the Grand Trunk Railway Company, under section 139 of the Railway Act, 1903, for authority to take certain additional lands lying north of Esplanade street and between Yonge street and York street, in the city of Toronto.

138. Application of the Guelph and Goderich Railway Company, under section 177 of the Railway Act, 1903, for leave to cross at grade the tracks of the Grand Trunk Railway Company at Milverton, Ontario, as shown on plan filed.

139. Application of the Canadian Pacific Railway Company for an order amending the order of the board, dated July 6, A.D. 1904, by adding thereto a clause fixing the amount that shall be charged by the Grand Trunk Railway Company for the inter-switching of loaded and empty cars as mentioned in said order.

140. Application of the Canadian Pacific Railway Company, under the Railway Act, 1903, to the board for an order settling a case for reference to the Supreme Court of Canada, in connection with the application of the company for a change of location of a portion of a branch line of the company's railway from Sudbury to Klein-

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burg, heard by the board on July 2, A.D. 1904, and referred to in the order of the board of the same date.

141. Application of the Grand Trunk Railway Company of Canada, under sections 139 of the Railway Act, 1903, to the board for authority to take certain lands in the municipality of the parish of Montreal, Quebec, as shown on plan filed, and being the property of the corporation of the city of St. Henri, the corporation of the city of Ste. Cunegonde, and J. Beaudoin.

142. Application of the Grand Trunk Railway Company of Canada, under section 139 of the Railway Act, 1903, to the board for authority to take certain lands in the municipality of the parish of Montreal, in the county of Hochelaga, Quebec, as shown on plan filed, and being the property of the Electric Fire-proofing Company of Canada, Limited.

143. Application of the Grand Trunk Railway Company, under section 139 of the Railway Act, 1903, for authority to take certain additional lands lying north of the Esplanade and between Yonge and York streets, in the city of Toronto; and for the settlement of the minutes of the order therein.

144. Application of the corporation of the city of Toronto to the board to vary or rescind order of November 16, 1904, granting to the Canadian Pacific Railway Company the right to expropriate a strip of land $24\frac{1}{2}$ feet wide, across lots 8, 9, east half of 10, 15, 22, 23 and 27, plan 5A, in the city of Toronto, and containing a provision in regard to a proposed street extending from Church to Berkeley streets, as therein set forth.

145. Application of the Grand Trunk Railway Company, under section 139 of the Railway Act, 1903, for authority to take, for the accommodation of the traffic of its railway and for a new station and station grounds, certain lands and premises in the city of Guelph, as shown on plan filed.

146. (a) Application of the corporation of the city of St. Thomas, for a permanent order permitting the electric cars of the St. Thomas Street Railway, now operated by the said corporation, to cross the tracks of the Canada Southern Railway Company and the Michigan Central Railroad Company at rail level, at William street and Elgin street, in the said city of Thomas.

147. (b) Application of the corporation of the city of St. Thomas for an order compelling the Michigan Central Railroad Company and the Canada Southern Railway Company to construct a subway on Ross street, in the said city, beneath the tracks of the said companies.

148. Joint application of the corporation of the city of St. Thomas and the township of Yarmouth for an order directing the Canada Southern Railway Company and the Michigan Central Railroad Company to widen the superstructure which carries the tracks of the said companies over First avenue and the dividing line between the municipalities, and to construct a subway.

149. Application of John A. Smith for an order compelling the Canada Southern Railway Company to construct a drain across their railway for the purpose of carrying the water off the lands of the applicant, being the east half of lot Number 8, and part of the west half of lot number 9, in the eighth concession of the township of Yarmouth.

150. Application of the corporation of the city of Niagara Falls, under the Railway Act, 1903, for permission to open Ellis street and Dickson street across the tracks of the Michigan Central Railroad Company in the said city of Niagara Falls.

151. Application of Margaret H. Risekay and Jessie H. Baum, for an order directing the Pere Marquette Railroad Company to provide a suitable and sufficient farm crossing over the line of the said railway at a point opposite the present crossing over the Pere Marquette Railroad and the Grand Trunk Railway, as shown on plan and profile of lot No. 8, in the 3rd and 4th concessions, Niagara river, in the township of Bertie and county of Welland.

152. Application of the Canadian Pacific Railway Company, under sections 175 and 186 of the Railway Act, 1903, for authority to construct a branch line from a point

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on the railway of the Toronto, Grey and Bruce Railway Company, in the city of Toronto, about 350 feet east of the easterly end of Liberty street; thence to and along Liberty street to Fraser avenue, as shown on plan filed with the board.

153. (b) For leave to construct the said branch line across the siding of the Grand Trunk Railway Company, on Jefferson avenue, in the said city of Toronto, as shown on plan filed.

154. Application of the Grand Trunk Railway Company of Canada, under section 175 of the Railway Act, 1903, for authority to construct, maintain and operate a branch line from a point on that portion of the company's line between the city of Toronto and the city of Hamilton, across certain lands owned by the company, and northerly upon what is known as Pacific avenue, in the city of Toronto, to a point opposite the northern limit of lots owned by the Brunswick, Balke & Collender Company, as shown on plan filed.

155. Application of the James Bay Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Canada Atlantic Railway (formerly the Ottawa, Arnprior and Parry Sound Railway), at grade, at a point between miles 3 and 3 of the location of the James Bay Railway Company from Parry Sound southward.

156. Application of the Guelph and Goderich Railway Company, under section 137 of the Railway Act, 1903, for leave to use and occupy by the said company certain lands and premises belonging to the Grand Trunk Railway Company, situate in the town of Goderich, Ontario, as shown on plan and book of reference filed.

157. Joint application of the Dominion Millers' Association and the Canadian Manufacturers' Association against the Grand Trunk Railway Company of Canada, *et al*, in *re* demurrage.

158. Application of the Grand Trunk Railway Company of Canada, under section 139 of the Railway Act, 1903, for authority to take certain additional lands north of the Esplanade and between Yonge and York streets, in the city of Toronto, and for leave to vary order of the Board dated February 23, A.D., 1905, by omitting from the provisions of the said order the lands set out in notice served herein by the applicant company.

159. Application of the Canadian Pacific Railway Company, (a) under section 186 of the Railway Act, 1903, for leave to construct a spur across George street, in the city of Peterboro', Ontario, as shown on plan filed; (b) under section 177 of the Railway Act, 1903, for leave to construct said spur line before mentioned across the railway of the Peterboro' Radial Railway Company on George street aforesaid, at the point shown on plan filed.

160. Application of the corporation of the city of Ottawa, under the Railway Act, 1903, for an order directing the construction by the Canada Atlantic Railway Company of a subway under the tracks of the said company at Bank street, in the city of Ottawa, and apportioning the cost of said work between the Canada Atlantic Railway Company and the Ottawa Electric Railway Company.

161. Application of the James Bay Railway Company, under section 177 of the Railway Act, 1903, for an order authorizing a crossing by the line of the applicant company and the line of the Grand Trunk Railway Company of Canada, Sutton branch, at grade level, at a point on lot 21, in concession 8, of the township of East Gwillinbury, county of York, Ontario.

162. Application of the Department of Public Works of Canada, under the Railway Act, 1903, for leave to cross, at rail level, with a proposed wharf, the tracks of the Canadian Pacific Railway Company, opposite the town of Pembroke, Ontario, as shown on plan on file with the Board.

163. Application of the Canadian Northern Railway Company, under section 137 of the Railway Act, 1903, for an order approving of the use by the applicant company, for the purpose of its right of way, of land owned by the Canadian Pacific Railway Company in the north half of section 30, township 6, range 4 W. P. M., between mileage 12 and 13 of the Canadian Northern Railway, west of Sperling, Manitoba.

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164. Application of the Canadian Pacific Railway Company for an order directing the Canadian Northern Railway Company to provide and construct a signal and interlocking and derailing plant at the crossing of its line at Carberry, Manitoba, in accordance with the terms of the Order of the Board, dated August 11, A.D., 1904.

165. Application of the Canadian Pacific Railway Company exercising as lessee the powers and franchises of the Ontario and Quebec Railway Company, under section 139 of the Railway Act, 1903, for authority to take for the convenient accommodation of the public and the traffic of its railway certain lands in the town of Perth, Ontario, being the property of L. Legault, more fully described in application No. 1435, filed with the Board.

166. In *re* complaint of the Farmers' Association of Canada, and the Dominion Cattle Dealers' Association against the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company to the board, alleging that discriminatory and excessive rates are charged for the transportation of cattle, in carloads, from stations on the respondent companies' lines to St. John and West St. John, N.B., and Portland, Me., for export.

167. Application of the respondent companies for a stay proceedings in regard to the order of the board, dated March 6, 1905.

168. Application of the municipality of the city and county of St. John, New Brunswick, for an order under section 187 of the Railway Act, 1903, directing the Canadian Pacific Railway Company to construct and maintain suitable gates (1) over the main street in the village of Fairville, where the said company's railway crosses the said main street (known as Main street crossing); (2) over the highway road in the village of Milford, where the said company's railway crosses the said highway (known as Milford crossing).

169. Application of George St. Pierre & Company, of Fraserville, Quebec, for an order under sections 252 and 253 of the Railway Act, 1903, directing the Temiscouata Railway Company to have its freight tariffs revised and reduced on the complaint that the same are unjust and ruinous.

170. Application of the corporation of the city of Toronto for an order directing that Lansdowne avenue, in the city of Toronto, as it exists south of the Canadian Pacific Railway Company's tracks, be extended to connect with Lansdowne avenue, north of the Grand Trunk Railway Company's tracks, by means of a subway, and directing the construction of said subway by either the Grand Trunk or the Canadian Pacific Railway Companies, and upon the terms and conditions of an order of the Railway Committee of the Privy Council, dated November 18, A.D., 1899.

171. Application of the Canadian Pacific Railway Company, under section 175 of the Railway Act, 1903, for authority to construct a branch line of railway along the east side of the River Don, in the city of Toronto, as shown on plan filed.

172. Application of the Canadian Pacific Railway Company, under section 186 of the Railway Act, 1903, for leave to construct said branch line across the existing highways as shown on said plan.

173. Application of the Canadian Pacific Railway Company, under section 186 of the Railway Act, 1903, for leave to cross with an additional track of its railway, the several streets already crossed by a single track known as 'The Don branch,' extending from its bridge over the Don at Winchester street to Parliament street, in the city of Toronto.

174. Application of the Township of York to rescind or vary an order of the Railway Committee of the Privy Council, dated January 5, 1891, requiring the Canadian Pacific Railway Company *et al.* to furnish certain protection at Dufferin and other streets, in the city of Toronto, on the terms set out in the said order.

175. Application of the Canadian Pacific Railway Company, under section 130 of the Railway Act, 1903, for approval of a deviation of its line in the vicinity of Lambton station, on lot 6, in the 3rd concession from the Bay, fronting on the Humber, in the township of York.

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176. Application of the Canadian Pacific Railway Company for a change of location of a portion of a branch line of the company's railway from Sudbury to Kleinburg, from a point on the main line east of Romford, southerly, to a point in block 44 in the district of Nipissing.

177. Application of the Canadian Pacific Railway Company, under section 130 of the Railway Act, 1903, for a change of location of a portion of the branch line of company's railway from Sudbury to Kleinburg from mileage 19 to mileage 40.

178. Application of the Canadian Pacific Railway Company, under section 130 of the Railway Act, 1903, for change in location in a portion of the branch line of the company's railway from Sudbury to Kleinburg, from mileage 40 of said branch (South channel, French river), to mileage 58, Magnetawan river.

179. In *re* the complaint of the Farmers' Association of Canada and the Dominion Cattle Dealers' Association against the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company to the board, alleging that discriminatory and excessive rates are charged for the transportation of cattle in carloads from stations on the respective companies' lines to St. John and West St. John, N.B., and Portland, Me., for export; application of the complainants for a hearing in *re* stay of proceedings asked for by the respondent companies in regard to the order of the board, dated March 6, 1905.

180. Application of the Brant Milling Company, under the Railway Act, 1903, to the board for an order allowing the Grand Trunk Railway Company of Canada to continue cartage allowance of 2 cents per 100 pounds on all flour and feed shipped from the applicants' mill to Portland, Montreal, and points east in Canada.

181. Application of the Bell Telephone Company of Canada, Limited, to carry two additional wires over the tracks of the Canada Atlantic Railway at St. Polycarpe, Que., 200 yards west of Vars, Ontario.

182. Application of the Bell Telephone Company of Canada, Limited, to carry four additional wires over the tracks of the Canada Atlantic Railway.

183. Application of the Bell Telephone Company to carry wires across the tracks of the Canada Atlantic Railway at Casselman station, Ontario.

184. Application of the Bell Telephone Company of Canada, Limited, to carry an additional wire across the tracks of the Canada Atlantic Railway a half a mile west of Moose Creek station, Ontario.

185. Application of the Bell Telephone Company of Canada, Limited, to carry an additional wire across the tracks of the Canada Atlantic Railway west of Moose Creek station.

186. Application of the James Bay Railway, under section 177 of the Railway Act, 1903, for leave to place its tracks under the tracks of the Canadian Pacific Railway, in the Don valley, near Toronto, being a point in lot 3, concession 4, east of Union street, county and township of York.

187. Application of the James Bay Railway Company, under section 177 of the Railway Act, 1903, for leave to place its tracks at a point in the Don valley, near Toronto, being a point in lot 13, concession 2, from the Bay, township and county of York.

188. Application of Robert Reid, under section 186 of the Railway Act, 1903, to the board for an order directing the Canada Atlantic Railway Company or John R. Booth to construct the highways or streets known as Eighth, Ninth, Tenth, Eleventh and Twelfth avenues, as shown and laid down on plan of the south half of lot No. 36, in the First concession, Ottawa Front, in the township of Nepean, across the said company's railway, where the same separates the northern and southern portions of the south half of the said lot.

189. Application of the Canadian Pacific Railway Company, under section 175 of the Railway Act, 1903, to construct a branch line commencing at a point on its railway about two thousand feet north of Highland station to the property of the Canada Sugar Refining Company, and for authority to construct portions of said

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branch line upon and along the highway south of the Lachine canal reserve, as shown on plan filed, and to divert portions of said highway to those parts of the lots fronting on the said highway which are coloured red on the said plan filed. Also for authority to take the lands so coloured red on said plan for the purposes aforesaid.

190. Application of the Grand Trunk Railway Company, under Section 175 of the Railway Act, 1903, to the board for authority to construct a branch line from the end of its line of railway alongside the Canada Sugar Refining Company's premises on St. Patrick Street, in the City of Montreal, and along St. Patrick Street and the Lachine Canal Bank to a point in the Town of Cote St. Paul at or near the Swing Bridge crossing the Lachine Canal, together with a branch therefrom to its line of railway leading from the main line to the Grand Trunk in St. Gabriel's Ward to the Town of Cote St. Paul, as shown on plan filed.

191. Complaint of Messrs. D. Rattray & Sons in *re* rate charged by the Canadian Pacific Railway Company on molasses shipped from Quebec to Montreal.

192. Application of the Corporation of the Town of St. Henri, Quebec, under Section 186 of the Railway Act, 1903, for leave to open St. Elizabeth and St. Jean Streets, under the tracks of the Grand Trunk Railway, by means of a subway.

193. Application of the Okanagan Telephone Company, Limited, under Section 195 of the Railway Act, 1903, to the Board for leave to carry its telephone wires over the tracks of the Shuswap & Okanagan Railway Company (Canadian Pacific Railway Co. on North Langill, Schubert, Seventh and Mission Streets, Barnard Avenue, and Coldstream Road, in the City of Vernon, B.C.

194. Application of the Canadian Pacific Railway Company, under Section 139 of the Railway Act, 1903, to the board for authority to take additional lands, adjoining their railway in the Town of Toronto Junction, in the County of York, Ontario, as shown on plan filed with the Board.

195. Application of the Bell Telephone Company of Canada, Limited, to carry two additional wires over the tracks of the Canada Atlantic Railway at St. Polycarpe, Quebec (adjourned from May 16, 1905.)

196. Application of the Corporation of the City of London, under Section 253, and other sections of the Railway Act, 1903, to the Board for an order limiting the time for completion by the Grand Trunk Railway Company of Canada, of the branch line authorized to be constructed under order of the board, dated July 6, 1904, and for a direction by the board that the said company apply, within the time to be fixed by the board to the board, for approval of the connection between the said branch line and the line of the Canadian Pacific Railway Company.

197. Application of the Canadian Pacific Railway Company, bearing date May 1, 1905, under the Railway Act, 1903, to the board for an order directing the Grand Trunk Railway Company of Canada to afford proper facilities for interchange of traffic between the said two companies over the branch line authorized to be constructed under the order of the board, dated July 6, 1904.

198. Application of the Canadian Pacific Railway Company, bearing date May 17, 1905, under the Railway Act, 1903, to the board for an order fixing the amount to be charged for the interchange of traffic and interswitching of cars over the branch line of the Grand Trunk Railway Company of Canada, to be constructed under order of the board dated July 6, 1904.

199. Application of the Corporation of the Town of Lindsay, Ontario, under the Railway Act, 1903, to the board for an order requiring the Grand Trunk Railway Company of Canada to maintain gates and provide watchmen at their crossings on Kent street and Lindsay street, in the Town of Lindsay, as shown on plan on file with the board.

200. Application of the Corporation of the Town of Lindsay, under the Railway Act, 1903, to the board for an order requiring the Lindsay, Bobcaygeon & Pontypool Railway Company, or the Canadian Pacific Railway Company as lessee thereof, and the Grand Trunk Railway Company of Canada, to erect and maintain gates and pro-

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vide and keep watchmen where their railways cross King street, Caroline street, and Queen streets, in the Town of Lindsay, as shown on plan filed with the board.

201. Application of the Canadian Pacific Railway Company, as lessee of the Lindsay, Bobcaygeon & Pontypool Railway Company, under Section 177 of the Railway Act, 1903, to the board for authority to connect the tracks of the said Lindsay, Bobcaygeon & Pontypool Railway with the tracks of the Grand Trunk Railway in the Town of Lindsay; also for authority to construct the said track along Lindsay street and on part of Colbourne street in the said town.

202. Application of the Corporation of the Town of Lindsay, under section 253 and other sections of the Railway Act, 1903, to the board for an order directing the Grand Trunk Railway Company of Canada, and the Lindsay, Bobcaygeon & Pontypool Railway Company, and the Canadian Pacific Railway Company as lessee thereof, to make all necessary arrangements and to afford all persons and companies reasonable and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways for the interchange of traffic between their respective railways in the Town of Lindsay, and for the return of rolling stock, and to fix reasonable tariff therefor.

203. Application of the Grand Trunk Railway Company of Canada, under Section 178 of the Railway Act, 1903, for an order directing the adoption and use at the present crossing of the line of the Grand Trunk Railway Company by the line of the Canadian Pacific Railway Company at lot No. 8, in the 9th Concession, Township of Yarmouth, County of Elgin, of an interlocking and derailling plant, in accordance with the terms of an agreement dated September 3, 1881.

204. Application of the Grand Trunk Railway Company of Canada, under Sections 130 and 184 of the Railway Act, 1903, (a) to lower the main line of the north division of the Grand Trunk Railway where it crosses the public highway between lots 10 and 11, 14th Con., Tp. of Innisfil, County of Simcoe; (b) to construct three tracks across the said highway; (c) to grade the said highway from the place where the proposed tracks will cross the same north and south thereof to enable the proper approaches to be made to the railway crossing.

205. Complaint of J. H. Duthie against the Grand Trunk Railway Company of Canada *re* demurrage.

206. Complaint of the American Cereal Company against the Grand Trunk Railway Company of Canada, in *re* rates on grain products for export from Peterboro and Lindsay, Ont., to Portland, Me., and St. John and West St. John, N.B.

207. Complaint of F. W. Grant alleging that the rates on coal from Midland to Orillia, Ont., charged by the Grand Trunk Railway Company, are excessive as compared with the rate from Suspension Bridge, Ont., to the same point.

208 (a). Application of the James Bay Railway under section 123 of the Railway Act, 1903, to the board for sanction of a portion of the location of its line, being mileage 37:55 as shown on plan filed with the board; (b) Application of the James Bay Railway, under section 186 of the Railway Act, 1903, to the board for leave to construct its railway along and across certain streets and esplanades in the city of Toronto.

209. Application of the Grand Trunk Railway Company of Canada under section 177 of the Railway Act, 1903, for an order authorizing the Company to cross the Canadian Pacific Railway Company's branch (Queen's Wharf), in the City of Toronto, with a new passing track west of Bathurst street Junction.

210. Application of the Guelph & Goderich Railway Company, under section 137 of the Railway Act, 1903, to the board for its approval of the applicant company obtaining a right of way over or through the lands owned and occupied by the Grand Trunk Railway Company of Canada, in the City of Guelph, and to take possession and use and occupy said lands for the purpose of constructing and operating a railway thereon.

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211. Application of the Grand Trunk Railway Company of Canada to the board for an order varying the order of the board dated the 11th of May, A.D. 1904, by substituting an electric bell for the subway ordered.

212. Application of the Toronto & Hamilton Railway Company, under section 137 of the Railway Act, 1903, for an order authorizing the Company to take possession of, use and occupy the lands of the Grand Trunk Company on Burlington Beach, in the Township of Nelson, County of Halton.

213. Application of the Toronto & Hamilton Railway Company under section 177 of the Railway Act, 1903, for an order authorizing the company to cross the tracks the Grand Trunk Railway Company, Allanburg Branch, to Suspension Bridge, on Welland Division, in lot 144, Township of Thorold, County of Welland, Ontario.

214. Application of the Toronto & Hamilton Railway Company, under section 137 of the Railway Act, 1903, to use certain lands of the Grand Trunk Railway Company of Canada, in the Township of Etobicooke, County of York.

215. Application of the Vancouver, Victoria & Eastern Railway & Navigation Company, under section 123 of the Railway Act, 1903, for approval of plans, profiles, and books of reference covering the section of the location of the applicant company's between Keremeos and Princeton on the south side of the Similkameen river, in the Province of British Columbia.

216. Application of the Canadian Pacific Railway Company, as lessee of the Guelph & Goderich Railway, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Guelph Street Railway, as shown on plan and profile.

217. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the Grand Trunk Railway at Tottenham, Ontario, with its Toronto-Sudbury Branch by means of an overhead bridge.

218. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross with its tracks, at rail level, the line of Midland Branch of the Grand Trunk Railway, near Coldwater, Ontario.

219. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross with its tracks, at rail level, the line of the Grand Trunk Railway Company near Utopia Station, Collingwood Branch.

220. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross with its tracks at rail level the line of the Grand Trunk Railway at Alliston.

221. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross with its tracks, at rail level, the Penetang Branch of the Grand Trunk Railway at mileage 38.

222. Application of the Canadian Pacific Railway Company, as lessee of the Guelph & Goderich Railway, under section 177 of the Railway Act, 1903, for leave to construct a level crossing on the spur track of the Grand Trunk Railway, leading to Goldie's mill at Guelph.

223. Application of the James Bay Railway Company, under section 177 of the Railway Act, 1903, for authority to cross the track of the Grand Trunk Railway at a point just north of the Trent Canal on Lot 13, Concession 3, Township of Mara.

224. Application of the James Bay Railway Company, under section 186 of the Railway Act, 1903, authorizing the company to construct its railway on the Don River Road on Lot 7, Concession 2, East Yonge street, in the Township of York and County of York, at mileage 9:88, Toronto North.

225. Application of the James Bay Railway Company, under section 186 of the Railway Act, 1903, for leave to construct its railway across certain streets in the Town of Parry Sound, namely,—William, Gibson, Cascade and Church streets.

226. Application of the James Bay Railway Company, under section 177 of the Railway Act, 1903, for leave to place its lines or tracks across the lines or tracks of the Midland Division of the Grand Trunk Railway at a point near Beaverton.

227. Application of the Grand Trunk Railway Company, under section 186 of the Railway Act, 1903, for leave to construct two additional tracks across Dufferin street, in the City of Toronto.

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228. Application of the Grand Trunk Railway Company of Canada, under section 175 of the Railway Act, 1903, to the board for an order authorizing that company to construct a branch line or siding from a point on its line of railway west of Logan avenue, in the city of Toronto, across Logan avenue, to the premises of the American Chicle Company, on Esplanade street, south of the property of the Grand Trunk Railway and west of Thackeray street.

229. Application of the Grand Trunk Railway Company under section 175 of the Railway Act, 1903, for an order authorizing the said Grand Trunk Railway Company to construct, operate, and maintain a branch line or siding, extending from a point on its line of railway on the Esplanade east of Church street, in the city of Toronto, upon, along and across part of Esplanade street to a point thereon opposite the western boundary of the lots occupied by Messrs. Murray & Laidlaw, east of Scott street.

230. Application of the Grand Trunk Railway Company of Canada for leave to appeal to the Supreme Court of Canada from an order of the board dated the 25th day of July, 1905, directing that the Grand Trunk shall, in consideration of the receipt of the amounts mentioned in the said order, afford all reasonable and proper facilities for receiving, forwarding, and delivering of traffic offered to it in cars, wholly or partially loaded, for passage over the branch line referred to in the order, and the lines of the Grand Trunk connected therewith, and of the interchange, by means of the said branch, of traffic between its lines and those of the Canadian Pacific upon the following, among other grounds, namely,—That the basis upon which the amounts to be charged and received by the Grand Trunk are computed, and the method of estimating the same, are erroneous and illegal.

231. Application of the Grand Trunk Railway Company of Canada, for an order varying the order of the board dated the 25th of July, 1905, directing the Grand Trunk Railway Company to afford proper facilities for the interchange of traffic between the Canadian Pacific and the Grand Trunk over the branch line authorized to be constructed under the order fixing the amount to be charged for the interchange of traffic and inter-switching of cars on the said branch line.

232. Application of the Corporation of the City of Toronto, under section 186 and 187 of the Railway Act, 1903, for an order directing the Grand Trunk Railway Company of Canada to construct and maintain gates with an automatic alarm bell, and to maintain a watchman for the same at the crossing of Greenwood avenue, in the city of Toronto, by the tracks of the Grand Trunk Railway.

233. Application of the Canada Atlantic Railway Company, under section 175 of the Railway Act, 1903, to construct a branch line along Argyle Avenue to the National Museum, in the City of Ottawa.

234. Application of the Preston & Berlin Street Railway Company, under the Railway Act, 1903, for permission to lease from and directing the Grand Trunk Railway Company, to lease to, so much of the Grand Trunk Company's right of way at the crossing of Caroline and Erb streets, in the town of Waterloo, as is necessary for the applicant company to lay part of its tracks as shown on plan filed.

235. Application of the Montreal Park & Island Company, under section 194 of the Railway Act, 1903, to carry its wires across the tracks of the Grand Trunk Railway Company at Cote St. Paul.

236. Application of the Toronto & Niagara Power Company, under section 194 of the Railway Act, 1903, for leave to cross the line of the Welland Railway (Grand Trunk Railway Company) near the Welland Canal, in the Township of Thorold, with electric transmission cables.

237. Application of the South-western Traction Company, under section 177 of the Railway Act, 1903, to cross the tracks of the Grand Trunk Railway near St. Thomas.

238. Application of the Municipality of the Parish of St. Canut.

(1) Under sections 204 and 214 of the Railway Act, 1903, to the board for an order directing the Great Northern Railway Company of Canada to operate and maintain a station at St. Canut, in the Province of Quebec, with good and sufficient accom-

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modation and facilities for traffic, and to furnish adequate and suitable accommodation for the receiving and loading of all traffic orderel for carriage on the railway.

(2) Under section 211 of the Railway Act, 1903, directing the Great Northern Railway Company of Canada to provide, in connection with the operation of its trains, immediate communication between the conductors and engine drivers.

(3) Under section 212 of the Railway Act, 1903, for an order requiring the Great Northern Railway Company of Canada to adopt uniform rules for the operation and running of its trains.

(4) Under section 215 of the Railway Act, 1903, directing the Great Northern Railway Company of Canada to start and run its trains as near as practicable at regular hours fixed by public notices.

239. Application on behalf of the Canadian Pacific Railway Company and the Grand Trunk Railway Company hat the order of the board, in the matter of the complaint of the Dominion Millers' Association, issued on the 25th of July last, be held in abeyance pending an opportunity of the railways to present to the board the position in which they will be placed by the adoption of the rate basis offered.

240. Application of the James Bay Railway Company, under section 137 of the Railway Act, 1903, for leave to cross the Grand Trunk Railway Company's disused spur near Beaverton.

241. Application of the Salmon River & Northern Railway Company, under section 177 of the Railway Act, for permission to construct and operate a diamond or rail level crossing over the railway track of the Canadian Pacific Railway at a point approximately four miles east of Monte Bello, in the parish of Notre Dame de Bonsecours, in the county of Ottawa, by the track of the aplicant company, and to connect a switch or siding to be constructed by the applicant company with a switch or siding to be constructed by the respondent company.

242. Application of the Ottawa Electric Railway Company for leave to appeal to the Supreme Court of Canada from the judgment of the board, dated the 13th day of July, A.D., 1905, in *re* the application of the corporation of the city of Ottawa for the construction by the Canada Atlantic Railway Company of a subway at Bank street, in the city of Ottawa.

243. Application of the Grand Trunk Pacific Railway Company, under section 123 of the Railway Act, 1903, for an order approving of the location of a section of the main line of its railway from the east line of section 1, Township 12 N., Range 13, W. 1st Meridian, easterly to the east line of section 4, Township 12 N., Range 7, W. 1st Meridian, in the district of Portage la Prairie, Manitoba.

244. Complaint of William Jos. Pendsay, of the city of Vancouver, B.C., in regard to freight rates of the Canadian Pacific Railway.

245. Complaint of the Kaslo Board of Trade in *re* rates to Slocan Lake points.

246. Application of E. Williams & Company, of Winnipeg, in regard to rates from Rocksbury and Stonewall quarries, on stone, to Winnipeg, Manitoba.

Re car service rules.

247. Application of the town of St. Boniface for an order directing the Canadian Northern Railway Company to construct a subway at the crossing of Tache street in St. Boniface, Man., to change grade of levels on St. Boniface and Ober streets, and provide sufficient land to permit of the diversion of Thibault and Huron streets to the west of the company's right of way.

248. Application of the Canadian Northern Railway Company to erect a new station at St. Anne's, in the province of Manitoba, and to close the existing station.

249. Application of the Canadian Northern Railway Company for a junction with the tracks of the Manitoba & Northwestern Railway Company at Neepawa, Manitoba.

250. Application of the town of Portage la Prairie for permission to lay water-pipes across the tracks of the Canadian Pacific Railway Company and the Canadian Northern Railway Company, at the town of Portage la Prairie.

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251. Application of the city of Winnipeg, under section 25 of the Railway Act, 1903, for an order requiring the Canadian Northern Railway to provide gates at its Main Street crossing, near Norwood Bridge.

252. Application of the Vancouver, Westminster & Yukon Railway Company, under the Railway Act, 1903, for an order to repeal, rescind, change, or vary the order of the board dated February 10, 1904, providing for the place and mode of junction with the Canadian Pacific Railway at Lytton and New Westminster.

253. Application of the municipalities of Burnaby and Coquitlan that the Vancouver, Westminster & Yukon Railway provide protection at certain places in the municipalities where it crosses the thoroughfares.

254. Application of the Esquimalt & Nanaimo Railway Company for permission to make a diversion for a short distance on the line of railway.

255. Application of the Wellington Colliery Company for permission to cross the tracks of the E. & N. Railway with their colliery railway.

256. Application of the Vancouver, Westminster & Yukon Railway Company, under section 39 of the Railway Act, 1903, for an order extending the time for one year from December 1, 1905, as provided in and by an order of the board made at Ottawa March 1, 1905, fixing the terms and conditions upon which the applicant company shall be allowed to cross the tracks at rail level of the British Columbia Electric Company on Park avenue.

257. Application of the British Columbia Railway Company, under section 194 of the Railway Act, 1903, for an order sanctioning the erection of a line of electric wire for the conveying of power across the yard tracks of the Vancouver, Westminster & Yukon Railway in the city of Vancouver, B.C.

258. Application of the municipality of North Vancouver to open certain streets across the tracks of the Vancouver, Westminster & Yukon Railway.

259. Application of the city of Vancouver, under section 196 of the Railway Act, 1903, subsection 2, for permission, when desiring to take means for drainage, to lay waterpipes or other pipes temporarily or permanently through, along, upon across, or under the railway or any works or lands of the Canadian Pacific Railway.

260. Application of the city of Vancouver, under section 196 of the Railway Act, 1903, to require the Canadian Pacific Railway Company to drain the water from the land lying south of their track, north of Water street, east of Camby street, and west of Carroll street, Vancouver.

261. Application of the city of Vancouver, under section 253 and 271 of the Railway Act, 1903, for the usual switching rights for the Vancouver, Westminster & Yukon and the Canadian Pacific Railway Companies, each over the other's tracks, on the usual terms.

262. Application of the city of Regina, under the Railway Act, 1903, in regard of crossing of the Canadian Pacific Railway on streets of the town, particularly with reference to the crossing at Hamilton street and Albert street.

263. Application of the municipality of MacDonald, Manitoba, under the Railway Act, 1903, for an order to compel the Canadian Pacific Railway Company to do a certain drainage work in the municipality of MacDonald, Starbuck and Lasalle.

264. Application of the Canadian Northern Railway Company with regard to switching charges between the Canadian Northern and the Canadian Pacific Railways on the Bannantyne Street spur.

265. Application of the Winnipeg Electric Railway Company for authority to place power transmission wires over the main line of the Canadian Pacific Railway and the Pembina branch, St. Boniface, Man.

266. Application of the Canadian Pacific Railway Company, under the Railway Act, 1903, for authority to construct and operate for a term of years over a portion of road allowance between concessions 8 and 9, township of North Dumfries. Also for an order closing a portion of the road allowance as shown on plan filed.

267. Application of the corporation of the town of Galt, under section 253 of the Railway Act, 1903, directing the Grand Trunk Railway Company and the Canadian

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Pacific Railway Company to afford all reasonable facilities for the interchange of traffic between the respective railways and the town of Galt.

268. Application of John H. Walker and William Tuck to rescind order to the board dated April 15, 1905, permitting the Toronto and Niagara Power Company to deviate its line through lot 18, concession 3, township of Grimsby ; (2) Application of James W. Alway to rescind said order as above.

269. Application of the Toronto & Hamilton Railway Company under the Railway Act 1903, for an order authorizing the company to provide an undercrossing of the Grand Trunk Railway (main line division) and the Canadian Pacific Railway, north of St. Clair avenue, Toronto Junction.

270. Application of the Toronto & Hamilton Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Grand Trunk Railway Company (Allanburg branch) in lot 141, township of Thorold, county of Welland, at rail level.

271. Application of the Toronto & Hamilton Railway Company to expropriate lands at Mimico, the property of the Grand Trunk Railway Company of Canada.

272. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the track of the Toronto Railway, in the city of Toronto, at Queen street (Don bridge).

273. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Grand Trunk Railway (belt line) in the city of Toronto, as shown on plan filed.

274. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Grand Trunk Railway at Berkeley street, in the city of Toronto.

275. Application of the Canadian Pacific Railway Company, under section 175 of the Railway Act, 1903, for authority to construct a branch line (1) crossing Front street between Cypress and Beachall streets, to the Morse soap factory. (2) A spur line along part of the Don Esplanade, Toronto, to the premises of the Wm. Davies Co.

276. Application of the Lake Erie & Detroit River Railway Company, under section 139 of the Railway Act, 1903, for authority to take part of lot 40, on the south side of Talbot Road East, in the township of Southwold, county Elgin.

277. Application of the Erie Realty Company, Limited, under section 176 of the Railway Act, 1903, for an order compelling the Grand Trunk to construct and operate a branch line in the city of Toronto, as shown on plan filed.

278. Application of the Canadian Pacific Railway Company, under section 175 of the Railway Act, 1903, for authority to construct a branch line along Pacific avenue, in the city of Toronto.

279. Application of the Canadian Pacific Railway Company, under section 175 of the Railway Act, 1903, to construct a branch line along Atlantic avenue, in the city of Toronto.

280. Application of the Canadian Pacific Railway Company, under section 175 of the Railway Act, 1903, to construct a branch line along Mowat avenue, in the city of Toronto.

281. Application of the Grand Trunk Railway Company, under section 175 of the Railway Act, 1903, to construct a siding to the premises of the Meyer's Milling Company, in the town of Listowel.

282. Application of the corporation of the town of Waterloo, under section 186 and 187 of the Railway Act, 1903, authorizing the corporation to construct a suitable crossing where the Grand Trunk Company's tracks intersect John street, in the town of Waterloo.

283. Application of the James Bay Railway Company, under section 36 of the Railway Act, 1903, for an order amending the order of August 29, 1906, in re application of the James Bay Railway Company, under section 177 of the Railway Act, for an undercrossing of the Midland division of the Grand Trunk Railway on lot 13, concession 7, township of Thorah, county of Ontario.

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284. Application of the Canadian Manufacturers' Association for the restoration of the old rule, No. 2, governing mixed carloads of freight, as in effect prior to the issue of Canadian Freight Classification No. 22, on shipments between points west of and including Port Arthur, and from points east of Port Arthur to points west thereof; and as now in effect between points east of Port Arthur.

(2) Complaint of the Canadian Manufacturers' Association that rule No. 6, Canadian Freight Classification No. 12, respecting the minimum charge for articles necessitating platform cars for carriage is excessive and discriminatory as between United States and Canadian shippers; reduction being asked for from minimum 6,000, as at present, to 4,000 lbs.

(3) Application of the Canadian Manufacturers' Association for reduction in the additional charge demanded by the carriage under rule 7 of the Canadian Freight Classification in the case of goods classified to be carried at owner's risk, but shipped at carrier's risk.

(4) Application of the Canadian Manufacturers' Association for reduction of the minimum charge for single consignments, commonly known as the 'smalls' rate, as defined in rule 30, Canadian Freight Classification No. 12, from 35 to 25 cents.

285. *Re* proposed car service rules submitted for the approval of the Board of Railway Commissioners.

286. Complaint of the Dominion Millers' Association as set out in letters to the board of September 14 and 27, A.D., 1905, against the Grand Trunk Railway Company of Canada, alleging delay in the shipment of ex-lake grain from the Georgian Bay and Lake Huron Elevator ports and discrimination in favour of exporters as against the millers of Ontario in the allotment of empty cars for such grain.

287. Application of the Columbia & Western Railway Company, under section 257 of the Railway Act, 1903, for an order disallowing a tariff of the Red Mountain Railway Company, filed on October 3, A.D., 1905, as C.R.C. No. A33, on the ground that the said tariff is unjust and unreasonable, and restoring tariff C.R.C. No. A30 of the said Red Mountain Railway in lieu therefor.

288. Application of the Canadian Pacific Railway Company, as lessees of the Columbia & Western Railway, under section 177 of the Railway Act, 1903, for authority to connect the track of the Columbia & Western Railway with that of the Red Mountain Railway at Rossland, as shown on plans.

289. Application of the Canadian Pacific Railway Company, under section 130 of the Railway Act, 1903, for approval of change of location of the Toronto-Sudbury line between mileage 98 and 101, being from a point in the town of Parry Sound, southerly to a point in lot 141, concession A, township of Foley, in the district of Parry Sound.

290. Application of the Municipality of the City and County of St. John, N.B., for an order, under section 187 of the Railway Act, directing the Canadian Pacific Railway Company to construct and maintain suitable gates (1) over the main street in the village of Fairville, where the said company's railway crosses the said Main street (known as Main Street Crossing). (2) over the highway road in the village of Milford, where the said company's railway crosses the said highway (known as Milford Crossing). Hearing of argument on the question of cost of maintenance of protection in above crossings.

291. Application of the Canadian Pacific Railway Company, as lessee of the Guelph & Goderich Railway, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Guelph Radial Railway, as shown on plan and profile submitted therewith.

292. Application of the Brandon, Saskatchewan & Hudson Bay Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Canadian Northern Railway at a point in section 31-1-18, west of the principal meridian, in Manitoba, in the municipality of Turtle Mountain.

293. Application of the Brandon, Saskatchewan & Hudson Bay Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the

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Canadian Northern Railway at the town of Minto, in section 19-5-19, west of the principal meridian, in Manitoba.

294. Application of the Brandon, Saskatchewan & Hudson Bay Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Canadian Pacific Railway at a point in the town of Boissevain, in section 23, township 3, range 20, west of the principal meridian.

295. Application of the municipal corporation of the township of Cornwall, under section 197 of the Railway Act, 1903, for permission to enter upon the lands of the Ottawa & New York Railway Company, where the same pass through the west half of lot No. 28, in the 27th concession of the township of Cornwall, for the purpose of opening up a watercourse.

296. Application of the Grand Trunk Railway Company of Canada, under section 139 of the Railway Act, 1903, for authority to expropriate certain lands in the parish of St. Polycarpe, county of Soulanges, province of Quebec, the property of Fabien Giroux, Adelard Houle, and Alfred Latrielle, all of the said parish of St. Polycarpe; said lands being parts of cadastral lots Nos. 174, 175, 177, 178, 180, and 181, in the said township of St. Polycarpe, range of the River Delisle, county of Soulanges.

297. Application of the Canadian Freight Association, under the Railway Act, 1903, to the board for approval of proposed supplements Nos. 5 and 6 to the Canadian freight classification No. 12.

298. Application of the corporation of the town of Lindsay and the Flavelle Milling Company for an order, under sections 214, 253, and other sections of the Railway Act, 1903, directing the Grand Trunk Railway Company and the Canadian Pacific Railway Company (lessees of the Lindsay, Bobcaygeon & Pontypool Railway) to afford reasonable and proper facilities for interchange of traffic between their respective railways in the town of Lindsay.

299. Application of the corporation of the township of Mornington, county of Perth, under the Railway Act, 1903, for an order directing the Guelph & Goderich Railway Company (Canadian Pacific Railway Company lessees) to desist from building the proposed embankment on the line of its railway in concessions 4 and 5 of the township of Mornington, deviating the highway, as shown on plan on file with the board under reference No. 16296, file No. 1030; and for an order requiring the railway company to construct an overhead crossing for said highway.

300. Application of Thomas Carbert, under the Railway Act, 1903, for an undercrossing on his farm on lot 24, in the 6th concession of the township of Hewlitt, where the said lot is crossed by the line of the London, Huron & Bruce Railway (Grand Trunk Railway).

301. Application of the municipal corporation of the township of Sarnia, under the Railway Act, 1903, for an order directing the Grand Trunk Railway Company to open a highway crossing between lots 1 and 17, in block B, in the survey of a portion of the Indian reserve in the township of Sarnia, county of Lambton.

302. Application of the municipal council of the township of Raleigh, county of Kent, under section 197 of the Railway Act, 1903, for an order approving of the character of certain works in connection with the Miller, Fuce & Waddock drain passing under the lands of the Lake Erie & Detroit River Railway, or the Père Marquette Railroad, and the Michigan Central Railroad.

303. Application of the municipal corporation of the township of Raleigh, in the county of Kent, under section 196 of the Railway Act, 1903, for an order directing the terms and conditions under which certain drainage work known as the Four Red Drain shall be carried on where the same crosses the lands of the Père Marquette Railroad Company.

304. Application of the municipal council of the township of Raleigh, county of Kent, under section 196 of the Railway Act, 1903, for an order directing the terms and conditions under which certain drainage work in connection with the Wright drain shall be done where the same crosses the lands of the Père Marquette.

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305. Application of the Chatham, Wallaceburg & Lake Erie Railway Company, under section 177 of the Railway Act, 1903, to cross at grade the lines of the Grand Trunk Railway where the same intersects William street, in the city of Chatham.

306. Application of the Chatham, Wallaceburg & Lake Erie Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Canadian Pacific Railway Company at William and Raleigh streets, in the city of Chatham.

307. Application of the Chatham, Wallaceburg & Lake Erie Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the track of the Père Marquette at Gilliard street, in the town of Wallaceburg.

308. Application of the Chatham, Wallaceburg & Lake Erie Railway Company, under section 184 of the Railway Act, 1903, for leave to carry and construct its line of railway and its power lines and telegraph and telephone lines along certain highways of the city of Chatham, in the town of Wallaceburg, county of Kent, being those mentioned in paragraphs 7 and 13 of the application filed, and across certain existing highways in the city of Chatham, in the townships of Dover and Chatham, being those mentioned in paragraph 12 of said application.

309. Application of the municipal corporation of the township of Sandwich East, county of Essex, under section 196 of the Railway Act, 1903, for an order directing the Grand Trunk Railway Company to provide, construct, and maintain a suitable highway crossing where the company's railway intersects the Lesperance road, in the village of Tecumseh, in the first concession of the township of Sandwich East.

310. Application of the corporation of the city of Toronto, to amend the order of the board, dated November 16, A.D., 1904, granting leave to the Canadian Pacific Railway Company to take certain additional lands, being parts of lots 8, 9, 10, 15, 22, 23 and 27, 5A on the Esplanade, in the city of Toronto.

311. Application of the corporation of the city of St. Catharines, under section 23 of the Railway Act, 1903, for an order directing the Grand Trunk Railway Company of Canada, the Niagara, St. Catharines & Toronto Railway Company, and the Port Dalhousie, St. Catharines and Thorold Street Railway Company, to contribute to the said municipal corporation certain sums in connection with the erection of the bridge at Queenston street, in the city of St. Catharines, as set out in said application.

312. Application of the James Bay Railway Company, under section 177 of the Railway Act, 1903, for leave to lay its lines and tracks across the lines and tracks of the spur extending from the belt line, so called, owned by the Grand Trunk Railway Company of Canada, on lot 13, concession 2, from the bay, township of York, county of York, at mileage 3.80, Toronto North.

313. Application of the James Bay Railway Company, under section 177 of the Railway Act, 1903, for authority to place its lines and tracks across the lines and tracks of the north division of the Grand Trunk Railway Company of Canada, at grade level, at a point near Washago, on Rama Island, county of Ontario.

314. Application of the Hamilton Radial Electric Railway Company for an order, under section 177 of the Railway Act, 1903, approving of the plans and profiles of the proposed crossing of the applicants' railway of the tracks of the Toronto, Hamilton & Buffalo Railway Company, in the city of Hamilton, as shown on plans on file with the board.

315. Application of the Grand Trunk Railway Company, under the Railway Act, 1903, for an order authorizing the company to construct a branch line or siding across Sterling road, about half a mile south of Davenport station.

316. Application of the Michigan Central Railroad Company, under section 177 of the Railway Act, 1903 for an order authorizing the said company to cross the tracks of the Niagara Falls, Weston Park & Clifton Tramway, owned by the Niagara, St. Catharines and Toronto Railway Company, at a point on Victoria avenue, at Niagara Falls, as shown on plan filed in connection with the branch line of the Michigan Central Railroad Company, authorized in order of the board dated, September 30, 1905.

317. Application of John Bertram & Sons Company, Ltd., of Dundas, Ontario, under sections 6, 7, 23, 25, 176 and 184 of the Railway Act, 1903, for an order direct-

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ing the Hamilton, Dundas Railway Company and the Toronto, Hamilton & Buffalo Railway Company, or one of them, to construct and maintain a branch line from the railway of the Hamilton & Dundas Street Railway Company on Hatt street, in the town of Dundas, to the lands and premises of the applicants.

318. Application of the Ontario Bee Keepers' Association, under the Railway Act, 1903, to the board for the reduction in rates on bee products and materials used in connection with the bee-keeping industry.

319. Complaint of John Wright & Sons, of Owen Sound, regarding the rates charged by the Canadian Pacific Railway Company on wheat from the company's elevator at Owen Sound to the complainant's mill.

320. Complaint of the Petrie Manufacturing Company, of Hamilton, in re the rating of the complainants' cream separators in the Canadian freight classification.

321. Application of the Grand Trunk Railway, under the Railway Act, 1903, for an order approving of the location of overhead bridges at Wellington and Ferry streets, in the city of Hamilton.

322. Application of the Balanced Ration Manufacturing Company of Montreal, under the Railway Act, 1903, for a lower classification of balanced rations.

323. Complaint of the R. W. Oliver Milling Company of Montreal, as set out in letter of August 30, 1905, against the Grand Trunk Railway Company of Canada in regard to the rates on grain products from Montreal to points west of Montreal, in the province of Ontario, to points in the maritime provinces.

324. Application of James Armstrong and John J. Cook, under section 196 of the Railway Act, 1903, for an order directing the Grand Trunk Railway Company of Canada to provide and construct suitable culvert where the company's railway adjoins their farm on lot 753, in the town of Lachine, in the province of Quebec.

325. Application of the James Bay Railway Company to set aside order of the board dated January 5, A.D., 1905, granting permission to the Grand Trunk Railway Company to make certain changes and extensions of the siding connecting their railway with the brick works of Robert Davies on the east side of Bay View avenue, in the Township of York.

326. Application of the Canadian Pacific Railway Company, under subsection 4 of section 25, and under section 32, of the Railway Act, 1903, to rescind, so far as it may affect the applicant company, an order of the board granted on the 5th day of January, 1905, authorizing the Grand Trunk Railway Company to construct or extend a spur line across lot 13 in the 2nd concession from the Bay, in the township of York.

327. Application of the Canadian Pacific Railway Company for an order approving of the plan of proposed changes in the interlocking plant, where the Canadian Northern Railway Company's track crosses the tracks of the applicants' railway at West Fort William.

328. Application of the James Bay Railway Company, under section 177 of the Railway Act, 1903, to place its lines or tracks across the lines or tracks of the Canadian Pacific Railway Company, Toronto-Sudbury branch, on lot 12, concession 2, of the township of Cleland, district of Nipissing.

329. Application of the James Bay Railway Company, under section 177 of the Railway Act, 1903, for leave to place its lines or tracks under the lines or tracks of the Canadian Pacific Railway Company at Little Key river, in the township of Mowat, in the district of Parry Sound.

330. Application of the Northern Extension Railway Company, under section 177 of the Railway Act, 1903, for authority to place its lines or tracks across the lines or tracks of the main line of the Canadian Pacific Railway Company between Keewatin street and Rosser road, in the township of St. John, immediately west of the city limits of the city of Winnipeg, Manitoba.

331. Application of the Ontario Power Company, Limited, under the Railway Act, 1903, for permission to cross the tracks of the Grand Trunk Railway, the Wabash Railroad, the Michigan Central Railroad, the Niagara, St. Catharines and

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Toronto Railway Company, and the Niagara Falla Park and River Railway at lots 57 and 59 in the township of Stamford, with the transmission lines of the applicant company.

332. Application of the Toronto and Niagara Power Company, under section 184 of the Railway Act, 1903, for permission to cross with its wires the tracks of the Welland Railway (the Grand Trunk Railway Company) near the Welland canal, as shown on plans on file with the board.

333. Application of the Toronto and Niagara Power Company, under section 194 of the Railway Act, 1903, for leave to cross with its power wires the tracks of the Michigan Central Railroad at Montrose Junction, Ontario, as shown on plan filed with the board.

334. Application of the Canadian Pacific Railway Company, under section 186 of the Railway Act, 1903, for leave to construct a spur line from its main line at St. John, N.B., across Portland street, in the city of St. John.

335. Application of the Canada Southern Railway Company, under section 139 of the Railway Act, 1903, for authority to take additional land adjoining their railway in the township of Sandwich West, in the county of Essex, as shown on plan and book of reference filed with the board.

336. Application of the Canada Southern Railway Company, under sections 186 and 187 of the Railway Act, 1903, for authority to divert certain highways adjoining the said railway in the township of Sandwich West, as shown on plan on file with the board.

337. Application of the Northern Extension Railway Company, under section 177 of the Railway Act, 1903, for authority to place its lines or tracks across the lines or tracks of the Southwestern branch of the Canadian Pacific Railway in the township of St. James, immediately west of St. James street, west limit of the city of Winnipeg.

338. Application of the Northern Extension Railway Company, under section 177 of the Railway Act, 1903, for authority to place its tracks across the tracks of the main line of the Canadian Pacific Railway Company, between Keewatin street and Rosser road, in the parish of St. John, immediately west of the city limits of the city of Winnipeg, Manitoba.

339. Application of the Niagara, St. Catharines and Toronto Railway Company, under section 203 of the Railway Act, 1903, for approval of a plan of the proposed steel and concrete structure to replace present wooden bridge over the Grand Trunk Railway at Thorold, Ontario.

340. Complaint of the Boards of Trade of the British Columbia Pacific coast cities against the Canadian Pacific Railway Company regarding alleged discrimination in rates between Vancouver, British Columbia, and interior points as far east as Calgary, on the main line of the company, MacLeod, on the Crow's Nest branch, and the Kootenay district, and the rates granted from Winnipeg to Calgary, MacLeod, and points farther west, including the Kootenay district.

341. Joint complaints of the New Westminster Board of Trade, the Canadian Manufacturers' Association, the Vancouver Board of Trade, and others, respecting the rates charged by Canadian railways on transcontinental traffic originating in eastern Canada and carried to British Columbia Pacific coast points, as compared with traffic originating in eastern United States points and carried thence via the American railways, or by American and Canadian railways jointly, to the United States or British Columbia Pacific coast points.

342. Application of the Grand Trunk Railway Company, under sections 175, 177 and 186 of the Railway Act, 1903, for authority to construct and operate branch lines in the town of Toronto Junction, in the township of York, county of York, and province of Ontario, as shown on plan, profile, and book of reference on file with the board.

343. Application of the James Bay Railway Company, under section 177 of the

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Railway Act, 1903, for leave to lay its track across the spur line of the Grand Trunk Railway Company at lot 13, concession 2, from the Bay, in the township of York.

344. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross with its track the track of the Grand Trunk Railway Company, at Tottenham, Ontario, with its Toronto-Sudbury branch, by means of an overhead bridge.

The application is for extension of time for the temporary use of said crossing.

345. Application of the Canadian Pacific Railway, under section 177 of the Railway Act, 1903, for leave to cross with its track, at rail level, the track of the Grand Trunk Railway Company, Midland branch, near Coldwater, Ontario.

346. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross with its track the track of the Grand Trunk Railway Company, Collingwood branch, near Utopia station.

347. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross with its track the track of the Grand Trunk Railway Company, at rail level, at Alliston, Ontario.

348. Application of the Canadian Pacific Railway Company, under section 177 of the Railway Act, 1903, for leave to cross with its track, at rail level, the track of the Grand Trunk Railway Company, Penetang branch.

The applications are for extension of time for the temporary use of said crossings.

349. Application of the Canada Atlantic Railway Company (Grand Trunk Railway Company of Canada), under section 139 of the Railway Act, 1903, for authority to take certain lands in the city of Ottawa, in the county of Carleton, for the purposes of the said railway, being the property owned by James Cavanagh, as shown on plan filed.

350. Application of the Canada Atlantic Railway Company, under section 137 of the Railway Act, 1903, for authority to take and use certain land of the Grand Trunk Railway Company of Canada, at Nipissing Junction, Ontario.

351. Application of the Grand Trunk Railway Company of Canada, under sections 175 and 186 of the Railway Act, 1903, for leave to construct a branch line from a point on lot 3, concession 1, district of Muskoka, crossing Yonge street, Shaw street and Muskoka road, to the premises of the Anglo-Canadian Leather Company, Limited, and J. D. Shier Lumber Company, as shown on plan filed.

352. Application of the Grand Trunk Railway Company of Canada, under section 139 of the Railway Act 1903, for authority to take certain additional lands at Cote St. Paul, in the parish of Montreal, the property of J. Beaudoin, as shown on plan filed with the board.

353. Application of the municipal corporation of the town of Almonte, under the Railway Act, 1903, for the better protection of Main street, Little Bridge street, and Bridge street, in the town of Almonte, where the said streets are crossed by the tracks of the Canadian Pacific Railway Company.

APPENDIX D.

SUMMARY OF THE PRINCIPAL JUDGMENTS DELIVERED
BY THE BOARD FROM FEBRUARY 1,
1904, TO MARCH 31, 1906

APPENDIX D.

SUMMARY OF THE PRINCIPAL JUDGMENTS DELIVERED BY THE BOARD FROM FEBRUARY 1, 1904, TO MARCH 31, 1906.

No. 6.—The towns of Port Arthur and Fort William v. The Bell Telephone Company and the Canadian Pacific Railway Company.

The municipalities of these towns owned and operated a joint telephone system within the limits of the two towns, and applied to the board under section 193 of the Railway Act, 1903, for an order directing the Canadian Pacific Railway Company to allow the installation of telephone instruments on the premises and in the railway stations of the company to connect with the municipalities' exchange.

In May, 1902, and prior to the enactment of section 193, an agreement was made between the railway company and the Bell Telephone Company, under which the telephone company, for valuable consideration, was granted, for a period of ten years, the exclusive privilege of placing telephone instruments, apparatus, and wires, in the several stations, offices, and premises of the Railway Company in Canada, where the telephone company had established, or might, during the continuance of the agreement, establish telephone exchanges.

Hearings at Ottawa, February 16 and 29, 1904.

Judgment of Board, March 15, 1904.

Held, per Blair, chief commissioner (3 Can. Ry. Cas., p. 205): That the said agreement was valid and not void or voidable as being in restraint of trade or against public policy, and that an order made under section 193 should provide for payment of compensation upon just terms for all lawful rights and interests injuriously affected thereby.

Per Bernier, deputy chief commissioner: While the agreement is valid and compensation should therefore be allowed, the question of compensation should be reserved for future consideration and determined after hearing any case that might be presented by the Canadian Pacific or any other railway company in support of damages.

Per Mills, commissioner: That the agreement is in restraint of trade and against public policy, and that compensation should be awarded only for the use of the premises occupied by the municipalities' telephones, and the expense of operating them.

Order suspended pending further argument as to the question of compensation.

Upon questions of law the opinion of the chief commissioner prevails.—Section 10 of Railway Act, 1903.

A further hearing of this application on the question of compensation was had at Ottawa, October 12, 1904.

Judgment July 14, 1905.

Killam, chief commissioner (4 Can. Ry. Cas., p. 279): Held, adopting the former judgment of a majority of the board.

Compensation should be made to the railway company for the use of its stations and the interference with its property consequent upon such installation.

Compensation should also be made to the telephone company for the loss of the exclusive privilege of telephone connection with such stations.

The effect on the exclusive agreement between the telephone company and the railway company of installing such a municipal telephone system must be determined by the law of the province of Quebec where the contract was made.

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The installation of such a municipal system would not of itself rescind the exclusive contract between the telephone company and the railway company. At most its only effect would be to give the injured party a right to have the contract rescinded. Quebec Civil Code, Art. 1065, *Dupuis v. Dupuis*, R. 72 R. 19 S.C. 500.

The evidence does not furnish a satisfactory basis for determining the compensation to be paid by the municipalities, and suggestions are made as to its ascertainment hereafter by the board or by arbitration.

Payment of such compensation, or the giving of proper security therefor, to both companies, should be a condition precedent to the installation of the system in each town.

Leave was given to state a case for the opinion of the Supreme Court whether the installation of the municipal system entitles the telephone company to a rescission of its contract with the railway company.

No. 66.—In the matter of the Shore Line Railway.

Complaint was made to the board that the Shore Line Railway, running between the city of St. John and the town of St. Stephen, in New Brunswick, was unsafe for traffic. The board caused its inspecting engineer to make an examination of the said line of railway, and upon his report, made an order forbidding the running of trains, cars or engines over the railway between certain points named. Against this decision and order a protest was made on behalf of the New Brunswick Southern Railway Company, the company now operating what was and is still known as the 'Shore Line Railway,' upon the ground that the board had no jurisdiction or authority to direct or enforce the stoppage of trains or the operation of said railway.

The undertaking of the Shore Line Railway Company was, by Act of the Parliament of Canada, chapter 63 of 58-59 Victoria, declared to be a work for the general advantage of Canada, and that Act provided that the Railway Act of Canada should apply to the company and its undertaking instead of the laws of the province of New Brunswick and the Railway Act of that province.

Later, the Shore Line Company defaulted in the payment of its bonds. Proceedings were taken in the courts of New Brunswick, as a result of which the railway was subsequently sold, and the sale was followed by an Act of the New Brunswick Legislature, chapter 74, 1 Edward VII., incorporating the New Brunswick Southern Railway Company for the purpose of acquiring, holding and operating all or any part of the Shore Line Railway; and also all the capital stock, bonds, rights, franchises, powers and privileges, and properties of the said Shore Line Railway; and by chapter 102 of 3 Edward VII., an Act of the said legislature was passed confirming the deed of conveyance of the property and franchises of the Shore Line Company to the New Brunswick Southern Railway Company.

Judgment June 7, 1904.

Blair, Chief Commissioner (3 Can. Ry. Cas., p. 277).

A railway company incorporated under the laws of a provincial legislature, whose undertaking is afterwards declared to be a work for the general advantage of Canada, is subject to the exclusive control of the Parliament of Canada and the Railway Act applies. No provincial legislature can resore control, legislatively speaking, to the provincial legislature.

No. 220.—*Duthie v. The Grand Trunk Railway Company*.

This was an application by J. H. Duthie of Toronto, against the Grand Trunk Railway Company for relief on account of its action in detaining three cars loaded with coal at Belleville to enforce payment of charges for demurrage on car service, and, in default of payment, disposing of the coal by private sale and applying the proceeds in payment of the freight and storage charges.

Hearing at Ottawa, June 27, 1905.

Judgment, August 24, 1905.

Killam, chief commissioner (4 Can. Ry. Cas., 305):

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The Board of Railway Commissioners is a judicial, as well as an executive body, created to enforce the railway legislation of the Dominion Parliament, but not to supplant or supplement the provincial courts in the exercise of their ordinary jurisdiction. In making orders and regulations under sections 23 and 25 of the Act the board is not to adjudicate in respect to rights arising out of past transactions, but to lay down rules for future conduct. The board is not empowered to award damages or any other relief for any injury caused by an infraction of the Act, e.g., section 214.

Held, that any claim for damages for premature or improvident sale should be prosecuted by action in the provincial courts.

By the tariff of tolls approved by the Governor in Council under the Railway Act of 1888, railway companies were authorized to charge higher tolls than by a special tariff filed under the Act of 1903, which specifically provided for car service or demurrage charges. The latter were also recognized by the classification rules authorized by the board and in force at the time in question.

Held, that the company not having sought to charge the maximum tolls approved by the Governor in Council (of the nature of a standard tariff) must be understood as having accepted the goods for carriage at lowest rates conditional upon its right to make a charge for demurrage.

Held, that the rate charged was *prima facie* reasonable and that no order should be made against the railway company.

Re Car Service Rules.

Numerous complaints and objections were presented to the board respecting charges made by railway companies for demurrage or delay in the loading or unloading of cars by shippers or consignees, and the rules governing such charges.

The practice of railway companies, before the constitution of the board, was to charge lower tolls on goods in carload lots than for less quantities. This practice was sanctioned by the freight classification and has been followed in the tariffs authorized by the Railway Act, 1903.

It appeared to the board to be reasonable that railway companies which delivered cars to, or placed them at the disposal of, shippers or consignees, for loading or unloading, should have some means of limiting the time to be occupied in such loading and unloading, and should be authorized to impose a reasonable additional toll on traffic carried at carload rates for any detention or use of the cars or continued occupation of their tracks, beyond such time as would be reasonably required for loading, or unloading. It was felt, too, to be important in the public interest as securing the fullest possible use of railway cars, tracks, and equipment, that such delays should be discouraged.

With this object in view, and after giving every opportunity which was reasonably possible to the various interests affected to be heard upon the subject, the board, by order dated January 25, 1906, abolished and disallowed all tolls or charges theretofore charged or imposed by any railway company subject to its jurisdiction, for delay in, or additional time used in, the loading or unloading of cars, whether under the name of demurrage car rental, or car service, or otherwise, and all rules regulating the same, substituting therefor the tolls and rules set out at length in the order. (See Appendix H).

Said order, and the rules therein set forth, came into force and took effect the first day of March, 1906.

No. 42.—The Sydenham Glass Company v. the Grand Trunk Railway Company, Canadian Pacific Railway Company, Lake Erie and Detroit River Railroad Company, Wabash Railway Company, Michigan Central Railroad Company, and the Hamilton, Toronto and Buffalo Railway Company.

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This was an application by the Sydenham Glass Company for lower special rates than the special rates agreed to by the railways interested, and which applied on shipments of glassware, bottles, and lamp chimneys from Wallaceburg, Ontario, on the line of the Père Marquette Railway Company to Toronto, Hamilton, Berlin, London, Ontario, and to Montreal, Quebec.

The original application covered the commodities named both in carload and less than carload lots, but on the hearing it was announced on behalf of the applicants that the application would be restricted to bottles in carloads.

Hearing at Toronto, June 20, 1904.

Judgment of board, July 30, 1904.

Per Blair, Chief Commissioner (3 Can. Ry. Cas., p. 409).

Bottles in carloads were formerly carried from Wallaceburg to Toronto, Hamilton, Berlin and Montreal at special rates less than the regular basis of fifth class. Upon the Railway Act coming into force on February 1, 1904, these special rates were increased.

It appeared that at the present rates the Glass Company cannot maintain its position in the home market against foreign competition:—

Held, that the rates should be reduced to the following scale, viz.: to London, 8 cents; to Toronto, Hamilton and Berlin, 13 cents; to Montreal, 23½ cents.

No. 21.—Scobell v. the Kingston and Pembroke Railway Company.

Complaint alleged (1) that discriminating rates were imposed on the transportation of cedar lumber, railway ties and poles of all kinds made from cedar, and used for railway purposes; (2) that unreasonable and excessive rates were imposed on the transportation of the telegraph, telephone and trolley poles as compared with rates on lumber, &c.

Hearing at Ottawa, April 26, 1904.

Judgment of board, July 30, 1904.

Per Blair, Chief Commissioner (3 Can. Ry. Cas., p. 412).

It appeared that an increase had been made in the rates on cedar products without any material change in the rate on common lumber and similar products. This increase was made by the railway company to retard the shipment of cedar products required for its own use.

Held, a discrimination within the meaning of s. 253, s.s. 2,—the railway company ordered to cease from levying rates on cedar products in excess of the rates on other descriptions of lumber and their products. 'Common carriers in making rates cannot arrange them from an exclusive regard to their own interests, but must have respect to the interest of those who may have occasion to employ their services, and must subordinate their own interests to the rules of relative equality and justice.' (Reynolds v. Western N. Y. R. W. Co., 1 I.C. Rep. 685.)

No. 43.—The Sutherland-Innes Company and the Wallaceburg Cooperage Company v. the Père Marquette, Michigan Central, Wabash, Grand Trunk, and Canadian Pacific Railway companies.

This was a complaint against the increase of rates by the railways named on cooperage stock between points in eastern Canada, and more especially to the increase from Wallaceburg and other western Ontario points to Montreal for local delivery and for export.

Hearings at Toronto, June 20 and 23, 1904.

Judgment of board, July 30, 1904.

Per Blair, Chief Commissioner (3 Can. Ry. Cas., p. 421.)

Held, that rates on cooperage stock should not exceed rates on common lumber according to the mileage lumber tariffs of the railways, but such rates when specially reduced on account of water competition, &c., need not necessarily apply to cooperage stock. From points in western Ontario to Montreal, the maximum rate for local

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delivery was fixed upon the evidence at 16½ cents, and for export, including 'terminal,' at 18 cents per hundred pounds.

No. 48.—Tower Oiled Clothing Company's case.

Application by the Tower Oiled Clothing Company, of Toronto, for a carload rating on oiled clothing, shipped in carload lots.

It appeared that carload shipments had been made from Toronto to Halifax for fishermen's use, and it was alleged that shipments might also be made to the Canadian Northwest for ranchers' use if the application were granted.

Hearing at Toronto, June 28, 1904.

Judgment of board, July 30, 1904.

Blair, chief commissioner (3 Can. Ry. Cas., p. 417):

Held, that although the discrimination involved in the difference between C. L. and L. C. L. rating has received tacit assent, a shipper has not thereby the right to demand a lower rate on carloads, unless possibly he can show that the carload rate demanded would pay reasonably for the service and that a refusal would injure his business. Upon the evidence a third-class rate for carloads of not less than 20,000 pounds from Toronto to Halifax, Winnipeg and Calgary and other points reached by applicants was ordered.

No. 22.—The United Factories (Limited) v. The Grand Trunk Railway Company.

Complaint alleged that a rate of 3 cents per 100 lbs. on logs from Penetanguishene to New Market, which the railway company had maintained for a number of years, from 1895 to November 16, 1903, conditional that the product of the logs should be delivered for carriage to the Grand Trunk Company, was on November 16, 1903, increased to 4 cents per 100 lbs., but subject to the same condition.

Hearings at Ottawa, April 28, and May 6, 1904.

Judgment of board, October 10, 1904.

Per Blair, chief commissioner (3 Can. Ry. Cas., p. 424).

Held, that since the increased rate is neither unjust, unreasonable nor contrary to some provision of the Railway Act, the application must be refused.

No. 23.—*Re* The Canadian Freight Association and Industrial Corporations.

This was an application by the Canadian Freight Association, on behalf of all the railways in Canada, under subsection 4 of section 275 of the Railway Act, 1903, for permission to make concessions from the current rates on material for construction and machinery for equipment of new industrial plants.

Certain of the railway companies, members of the association, had been in the habit of granting a reduction of 25 per cent on the rates on such material, &c.

Judgment, October 10, 1904, refusing application.

Blair, chief commissioner (3 Can. Ry. Cas., p. 427):

That although the board is prepared to give due effect to subsection 4 of section 275 of the Act, it must have a separate and distinct application in such case, so as to judge of the effect of its order upon other industries, shippers and dealers.

No. 44.—Ontario Fruit Growers' Association v. Canadian Pacific Railway Company *et al.*

Complaint alleged (1) unreasonable and excessive freight rates on fruits and (2) that the charges for icing in transit were too great.

Hearings at Toronto, June 21, 23 and 24, 1904.

By agreement between complainants and the railway companies, the following modifications were made in the classification:—

(a) Apples in boxes in less than carloads, from 2nd to 3rd class.

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(b) Pears in boxes and barrels, L.C.L., from 1st to 3rd class, and in carloads from 3rd to 5th class.

Also the following commodity rates:—

(c) On fresh fruits (small), from the fruit districts to points in Eastern Ontario, Quebec, and the maritime provinces, fresh fruit shall be carried at 4th class rates in carloads of not less than 20,000 lbs. instead of 3rd class rates, and at 2nd class rates in L.C.L. of 10,000 lbs. and over instead of 1st class rates.

(d) And from points in Ontario and Quebec to Winnipeg, Portage la Prairie and Brandon, at fourth class rates in carloads of not less than 20,000 pounds, instead of third class.

Approved by board.

Judgment October 10, 1904.

Blair, Chief Commissioner (3 Can. Ry. Cas., p. 430):

Held, that the present system of making fixed charges for icing cars, irrespective of the actual cost of such service, is not based on sound principle, and must be discontinued; that the actual cost of the ice and the placing thereof in the cars should not be exceeded. Pending a decision of the board upon further consideration as to a reasonable charge, a charge of not more than \$2.50 per ton of 2,000 pounds on the actual weight of the ice supplied was, in this instance, authorized.

No. 55.—The Pea Millers' Association v. Canadian Railway Companies.

The Pea Millers' Association complained that the railways charged higher rates from Ontario milling points to the sea-board on split peas for export than they charged on other grain products, such as flour and rolled oats for export.

Split peas for export were formerly carried upon the flour basis. The advance complained of commenced in October, 1902, and was made apparently under pressure. The McMorran Company, of Port Huron, complained to the Interstate Commerce Commission that Canadian railways were carrying split peas for export at the grain product rate, while it had to pay the higher rate of the Michigan roads.

The Michigan railroads opposed any reduction in their rates, and the result was that the rate was advanced on the Grand Trunk and other railways in Canada.

Hearing at Ottawa.

Judgment of board, October 10, 1904.

Per Blair, Chief Commissioner (3 Can. Ry. Cas., p. 433):

That the former basis of rates must be restored.

No. 124.—In *re* application of the Grand Trunk Railway Company for permission to make reduced rates on coal used for manufacturing purposes.

This was an application by the Grand Trunk Railway Company, under subsection 4, section 275, of the Railway Act, for authority to continue a difference in the rate of freight on bituminous coal of ten cents per ton between certain points on its line of railway, such reduced rates being in favour of the manufacturer as compared with that charged to the dealer or consumer.

The applicant company has been in the habit of allowing a rate of 80 cents per net ton on bituminous coal used for manufacturing purposes at Cobourg, carried from the Niagara frontier to Cobourg while the usual and customary rate was 90 cents on coal carried between the same points for other shippers and used for domestic purposes.

The company justified the difference in the rate on the ground that certain manufacturers in Cobourg would be unable to pay the higher rate and carry on business successfully.

Judgment, October 10, 1904.

Blair, Chief Commissioner (3 Can. Ry. Cas., p. 438):

That no evidence has been offered to sustain this claim; but even if proved, the reduction could not be allowed. The allowance of a reduction in the freight rate on

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any article of merchandise to one class of shippers, and the refusal of the same rate to another class, is unjust discrimination, and forbidden by section 252.

(Castle v. B. & O. R.W. Co., 8 I. C. Rep., 333, approved.)

No. 56.—The Almonte Knitting Company v. the Canadian Pacific Railway Company and the Michigan Central Railroad Company.

The Almonte Knitting Company complained that the rates on coal to Almonte from the Niagara and Detroit frontiers were unreasonably high as compared with the rates to Carleton Junction, Ottawa, and adjacent stations. The rate to Carleton Junction, Ottawa, and adjacent stations is \$2 per ton from the Niagara frontier, and \$2.25 from Detroit, while the rate to Almonte is 40 cents higher, points on the lateral line from Carleton Junction being charged an arbitrary rate above the rate to Carleton Junction.

Hearing at Toronto, June 28, 1904.

Judgment of board, October 10, 1904.

Blair, Chief Commissioner (3 Can. Ry. Cas., p. 441):

Under certain conditions rates to a point on a branch or lateral line may be higher than to points on the main line, though at a less distance from the junction point; but such rates must not be unreasonable or disproportionately higher than to nearer points on the main line.

Held, that the circumstances warrant a higher rate to Almonte than to Carleton Junction and Ottawa; but as the arbitrary rate to Almonte on 10th class traffic was only 1 cent per 100 pounds (20 cents per ton) it must not be exceeded on coal between the same points.

No. 46.—*Re* metallic shingles.

This was a complaint by the Canadian Manufacturers' Association objecting to the approval by the Board of the Canadian Freight Classification No. 12, which, among other changes and additions, advanced metallic shingles from 7th to 5th class in carloads.

This classification No. 12 was issued by the railway companies in 1903, and superseded all previous classifications. It had never been approved by order in council, but was provisionally sanctioned by order of the board of July 16, 1904, pending consideration of some of the objections raised.

From January 1, 1884, when the first Canadian joint freight classification was issued, until November 1, 1884, none of these commodities were specially classified; but, on a latter date, a circular was issued by the railway companies making certain changes and additions by which, among other things, they placed metallic shingles in packages as L.C.L. 3, L.C.L. 5. This rating continued in force until March 1, 1883, when a reduction of one class was made, namely, to L.C.L. 4 C.L. 6.

In May, 1890, a further reduction was made on carloads, and until March, 1901, the classification stood at L.C.L. 4, L. 7.

In March, 1901, the rating was placed at L.C.L. 4, C.L. 5.

The complainants set up that these goods were in the 7th class for over ten years; that the change was never sanctioned by order in council; that no substantial reason had been shown for the advance; and that the retention of the previous classification was necessary in order to enable the complainants to compete on fair terms with wooden shingles, siding, &c.

The railway companies claimed that the former classification was a mistake; that the proper class in which to place such commodities was the 5th class; that the plate, which is the raw material used in the manufacture of these articles, was in the 5th class; and that it was both unreasonable and unfair to the railway companies to place the manufactured article in a class for which the rates are lower than those upon the raw material from which the article is made; and, also, that articles of the 7th class were then carried at lower rates than those at which articles of that

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class were carried when these particular commodities were in the 7th class, and that they should not be obliged to lower their rates on these goods.

Hearings at Toronto, June 23, 24,, and 28, 1904.

Judgment, June 29, 1905.

Killam, chief commissioner: Held, that the reasonable and fair course would be to establish for these articles commodity rates equal to those at which they were carried immediately before the change of classification in March, 1900.

No. 133.—*Re St. Pierre & Company and Temiscouata Railway Company.*

This was a complaint by George St. Pierre & Co., of Fraserville, Que., alleging that the Temiscouata Railway Company was unjustly discriminating against the complainants in the matter of its freight rates, and applying for an order directing the railway company to revise and lower its freight rates.

Hearing at Rivière du Loup, April 19, 1905.

Judgment, July 5, 1905.

Killam, chief commissioner: The rates charged by the Temiscouata Railway Company were not unreasonable in view of the nature of the country which the railway traversed and of its traffic.

The standard freight tariff of the company was identical with the standard tariffs of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, the Canada Atlantic Railway Company and most of the other railways in the provinces of Ontario and Quebec, and the same, also, as that of the Intercolonial Railway between its stations west of Lévis.

The rates charged in the special tariff filed by the Temiscouata Railway Company on various commodities such as are authorized by section 260, subsection 2, of the Railway Act, compared favourably with the joint tariffs on the same commodities issued by the Grand Trunk Railway Company and the Canadian Pacific Railway Company, in the province of Quebec, except such rates as were rendered necessary by competitive conditions and which did not prevail on the Temiscouata Railway.

The Temiscouata Railway Company had no special commodity tariff for grain and grain products in carloads.

Held, that in accordance with the common practice of other railway companies and in the interest of lumber camps upon or near its line, the Temiscouata Railway Company should prepare such a tariff on an equitable basis.

It appeared that the Temiscouata Railway Company had, previous to July, 1904, a proportional tariff on various classes of goods (according to the Canadian freight classification) from Rivière du Loup and Edmunston, on through shipments from points beyond, and it now charges on this through business its full standard rates as on strictly local business, except on some traffic to Edmunston.

Held, that the company should state its reasons for withdrawing this proportional tariff, and on what grounds, if any, it objected to restoring it.

No. 2.—*The Brant Milling Company v. the Grand Trunk Railway Company.*

This was an application by the Brant Milling Company for an order 'allowing and instructing the Grand Trunk Railway Company to continue' an allowance heretofore made by the railway company for the cost of cartage on flour and feed shipped from the company's mill out to Portland and to Montreal and other points in the eastern part of Canada.

The allowance was withdrawn after the Railway Act, 1903, came into force, and it was claimed that its continuance was necessary to the existence of the applicant's business.

Hearing at Brantford, April 26, 1904.

Judgment, July 13, 1905.

Killam, chief commissioner (4 Can. Ry. Cas., 259).

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The Railway Act, 1903, requires equality in the tolls charged under substantially similar circumstances, and forbids discrimination between individuals, persons, companies and localities. Sec. 252.

No variation from the authorized tariffs of tolls can be made unless under circumstances or conditions specially provided for in such tariffs or by special tariffs of general application and not discriminating between different localities. Secs. 261, 262.

Held, that the application either for a continuance of the allowance previously made, or for a change in the authorized tariffs of tolls, in favour of the applicant alone, must fail.

Manufacturers' Coal Rates Case, 3 Can. Ry. Cas. 438 referred to; *Stone v. Detroit*, etc., 3 I. C. Rep. 613; *Hezel Milling Company v. St. Louis*, etc., 5 I. C. Rep. 57; *re* division of joint rates, 10 I. C. Rep. 681, followed.

No. 222.—Coal rates—Midland to Orillia.

Complaint of F. W. Grant alleging that the rates on coal from Midland to Orillia, Ont., charged by the Grand Trunk Railway Company, are excessive as compared with the rates from Suspension Bridge, Ont., to the same point.

Hearing at Ottawa, June 28, 1905.

Judgment, September 4, 1905.

Killam, chief commissioner: The board has found great want of uniformity in the rates charged by railway companies for the carriage of coal for short distances, and proposes to ascertain, if possible, whether this want of uniformity is unreasonable, or whether some attempt should be made to harmonize the rates for similar distances. In the meantime, as the rate charged by the Grand Trunk Company for the carriage of coal from Midland to Orillia is not, in itself, an unreasonable rate, the board will not interfere.

No. 263E.—Rates on stone from Stonewall and neighbouring points to Winnipeg.

This was a complaint by E. Williams & Co., A. Patterson & Co., Irwin & Son, and the Winnipeg Supply Company., alleging that the Canadian Pacific Railway Company, by increasing the rate on rubble and crushed stone from the complainants' quarries at Stonewall to Winnipeg from $2\frac{3}{4}$ cents per hundred pounds to 3 cents per hundred pounds, while continuing the rate of $2\frac{3}{4}$ cents to the Stony Mountain quarrymen, was unjustly discriminating against the complainants, and applying for an order (a) directing the railway company to restore the former rate of $2\frac{3}{4}$ cents from the complainants' quarries, or (b) fixing some other rate as a uniform rate from all the quarries on the Teulon branch.

Hearing at Winnipeg, September 13, 1905.

Judgment, November 23, 1905.

Killam, chief commissioner: In view of the facts that the traffic from Stonewall was carried for many years at the lower rate; that the railway company itself made its first rate from Gunton to Winnipeg the same, and that a promise had been made by the second vice-president of the company to some of the complainants that the $2\frac{3}{4}$ cent rate from Rockspur to Winnipeg would be protected, the board was of opinion that that rate was a reasonable one. That opinion was strengthened by reference to the rate of $2\frac{1}{2}$ cents per 100 pounds charged by the same railway company for carriage of similar traffic from Milton, Campbellford, Credit Forks, Schaw and Orangeville to Toronto, at distances varying from 33 to 49 miles. (Stonewall is 20 miles, Rockspur 34 miles from Winnipeg.) The question of the propriety of the rates from Stony Mountain to Winnipeg should not now be considered.

Held, that a higher rate than $2\frac{3}{4}$ cents from Gunton, Rockspur and Stonewall was unreasonable, and that an order would go directing the disallowance of the 3 cent rate and the restoration of the $2\frac{3}{4}$ cent rate.

No. 8.—The Niagara, St. Catharines and Toronto Railway Company v. the Grand Trunk Railway Company.

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This was an application by the Niagara, St. Catharines and Toronto Railway Company, under section 177 of the Railway Act, 1903, which empowers the board to order that a junction may be made of the tracks of one company with the tracks of another company, upon such terms, at such places, and in such manner as the board may determine, to intersect with its line the railway of the Grand Trunk Railway Company, called the Allanburg branch line or cut-off, to form a junction with the Grand Trunk Allanburg branch line at Stamford.

The evidence disclosed the fact that an agreement had been entered into between the Grand Trunk Company and the Wabash Railroad Company,—the application was, in fact, a joint one by the Niagara, St. Catharines and Toronto and the Wabash Company—under which the Grand Trunk Railway granted the Wabash Company, the joint user in common with itself of the Allanburg branch for a term of twenty-five years, and that the Wabash Company was then in use and possession of the said Allanburg branch jointly with the Grand Trunk Company upon the terms and conditions contained in the memorandum of agreement.

Hearing at Ottawa, March 8, 1904.

Judgment, April 5, 1904, granting order applied for.

Blair, chief commissioner (3 Can. Ry. Cas., p. 256):

The object of the Railway Act (sections 177, 253 and 271) is to insure that all reasonable and proper facilities for the handling, forwarding and interchange of traffic shall be afforded to the shipping public. For this purpose the board may, without the sanction and against the will of a railway company, permit a junction to be made with its line by another railway where in the opinion of the board such junction is reasonably necessary in the public interest and in the interest of traffic in the district through which the railway passes. The parties to a lease of a railway cannot by stipulation between themselves restrict the powers or discretion of the board to authorize such a junction.

No. 9.—The Niagara, St. Catharines and Toronto Railway Company v. the Grand Trunk Railway Company.

Application by the Niagara St. Catharines and Toronto Railway Company to rescind an order of the Railway Committee of the Privy Council, approving of the place of crossing by the branch line of the Grand Trunk Company's main line at Merriton, to the paper and cotton mills in that village, of the main tracks of the Niagara, St. Catharines and Toronto Railway.

It was alleged in support of the application that the conditions imposed upon the Grand Trunk Railway Company, and upon which that company was allowed to make the crossing, had not been complied with—that the Grand Trunk Railway Company has not paid, but has refused to pay compensation for the lands of the applicant company, which are occupied by the crossing and with its switches and sidings by the Grand Trunk Company under the said order of the Railway Committee.

Hearings at Ottawa, March 11 and 22, 1904.

Judgment, April 5, 1904.—Application refused.

Blair, Chief Commissioner (3 Can. Ry. Cas., p. 263.)

Where two railway companies differ as to the nature and extent of the protection prescribed by an order of the Railway Committee to be furnished at a crossing of two railways, and one company voluntarily provides the additional protection which it claims the other company should supply according to the terms of such order, the board will not, by an ex post facto order, direct the payment by the other company of the expenditure thereby incurred, and in default of payment order that the crossing be discontinued. In such cases the proper course is to apply to the court for an interpretation of the order.

The order of the Railway Committee directed that an interlocking signal system and all the necessary works and appliances for properly operating the same be provided at such crossing.

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Held, that derails do not form part of the appliances required by such order, and a permanent watchman is not necessarily required.

Compensation is not allowed (1) for the use of the land of the senior company occupied by the crossing tracks of the junior company where no substantial injury is done to the lands of the senior company; nor (2) for interference with the business of the senior company, or for any other delays in the use of its railways due to precautions taken in the use of the crossing required for public safety. (S. 177, Railway Act, 1903.)

City of Toronto v. The Grand Trunk Railway Company and the Canadian Pacific Railway Company.

This was an application to the Railway committee of the Privy Council made in June, 1900, by the city of Toronto for an order to authorize and ratify the construction and maintenance of the overhead bridge adjoining York street, in the city of Toronto, and crossing overhead the railway tracks on the Esplanade. and directing the terms as between the city and the two railway companies according to which the costs of the works were to be borne by the respective parties, pursuant to secs. 187 and 188 of the Railway Act, 1888.

The construction of this bridge, known as the York street bridge, was provided for by the 7th and 8th clauses of the Esplanade Tripartite agreement, dated July 26, 1892, confirmed by Dominion statute 55 and 56, Vic., chap. 48.

The application not having been disposed of before the Railway Act, 1903, came into force, was heard by the board on May 27, 1904.

By the said Esplanade agreement, the Canadian Pacific Railway Company agreed to build a highway over the tracks of the railway companies—the portion of the cost to be borne by each to be settled by arbitration or paid equally by the C. P. R. and the city, in case the Grand Trunk Railway was found to be exempt from, or entitled to, indemnity against liability for any portion of the cost.

The rights of the Grand Trunk Railway, as to such exemption or indemnity were, by the agreement, to be decided by the submission to the court of a special case between the city and the Grand Trunk Railway.

After the bridge was built, and while an action brought by the city against the railway companies, in lieu of the special case was pending, this application was made.

Judgment, August 19, 1904.

Blair, Chief Commissioner (4 Can. Ry. Cas., p. 62.)

Application refused, the question involved not being of a public nature, but the settlement of a dispute of a private nature, which the parties, by their agreement, had left to be settled by the courts.

(The Merriton Crossing Case 3 Can. R. Cas., 263, followed.)

No. 238.—*James Bay Railway Company v. Grand Trunk Railway Company.*

This was an application by the James Bay Railway Company, under section 177 of the Railway Act 1903, for leave to place its tracks across the tracks of the Midland Division of the Grand Trunk Railway Company at a point near Beaverton, in the township of Mara, Ontario.

At the time the application was made and for several years previous thereto, the Grand Trunk Railway Company had a single track at the proposed point of crossing, and up to the time of the hearing that company had never suggested that it intended to lay down any other than the one track.

The matter was heard at Ottawa on August 29, 1905, and an order issued as of that date authorizing an undercrossing at the point named. The order provided that for the purpose of the crossing the Grand Trunk Railway should, at the expense of the James Bay Company, raise its tracks for such distance on each side of the crossing as the chief engineer of the board should consider necessary to provide a proper grade and to such height (not exceeding two feet) over the then level of the tracks as the chief engineer should require. The order also provided that the ma-

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sonry work of the undercrossing should be sufficient to allow of the construction of an additional track by the Grand Trunk Railway Company.

From this order the James Bay Company appealed to the Supreme Court of Canada on the question whether, under section 177 of the Railway Act, 1903, or otherwise, the board had jurisdiction to make the order, in so far as it directed the masonry work of the undercrossing to be sufficient to allow of the construction of an additional track on the line of the Grand Trunk Railway Company.

Appeal dismissed : 37 S.C.R. 372.

Later, by petition, dated May 8, 1906, the James Bay Railway Company appealed to His Excellency the Governor General in Council, under subsection 2 of section 44 of the Railway Act, 1903, to vary the said order of August 29, 1905, by striking out the provisions requiring the James Bay Company to provide for a second track of the Grand Trunk Railway Company.

This petition was also dismissed by order of the Privy Council, dated May 31, 1906.

No. 271.—Preston and Berlin Street Railway Company v. the Grand Trunk Railway Company.

This was an application by the Preston and Berlin Street Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Grand Trunk Railway Company at Caroline and Erb streets, in the town of Waterloo, Ontario.

In order to avoid the crossings applied for it was suggested at the hearing, on behalf of the town, that the board should exercise the power it was alleged to possess under section 187 of the Act, and direct the Grand Trunk Railway Company to move its tracks so as to allow sufficient space for the running of the applicant company's line between Mr. Seagram's property and the line of the Grand Trunk Railway.

Hearing at Toronto, November 7, 1905.

Judgment, Killam, chief commissioner: The application to be dealt with at the present time is simply one to allow the two crossings at Caroline and Erb streets, and in the public interests the application must be refused. The Preston and Berlin Railway Company previously applied to the board for leave to use a small portion of the Grand Trunk Railway Company's land in order to dispense with the crossing. The company was incorporated solely under the provincial laws and the provision in the Railway Act giving the board power to authorize the use by one company of the railway tracks or the land of another, applies only to a railway within the authority of the board, authorized by Act of the Dominion Parliament, or a work declared to be for the general advantage of Canada.

The suggestion that the board attempt to exercise a power to compel the railway company, which already had a crossing over the streets, to move that crossing, not for the protection of the public, but as a matter of convenience to another railway, might be worthy of some consideration, but does not arise on the present application.

The town might succeed in an application to have the tracks of the Grand Trunk Railway Company moved and have the highway extended so as to cover the land of the Grand Trunk between the corner of the Seagram building and the tracks and a portion of it that is not already a highway. I would not say what view the board would take of it, nor how far it could be done with safety apart from the question of its being a proper exercise of the power under that section 187 that has been referred to. If the town wishes to do that they should make an application.

Later the application was renewed at the town of Waterloo, after the board had an opportunity of examining the locality.

Judgment, Chief Commissioner: The board finds that the inspection recently made of the locality has only confirmed its previous view that the crossings ought not to be allowed to be made; that the only apparent reason for such crossings is to enable the electric railway company to use property on which it desires to have its term-

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inal station and yard, and that the board does not consider this a sufficient reason for adding these two additional crossings so close together, and upon such a curve, to the other sources of danger in Waterloo; that the fact that the railway company has chosen to so locate its terminal property, or that the council of the town of Waterloo is unwilling to allow the electric railway company to place its tracks on other streets does not seem sufficient to force the board, in the exercise of the discretion conferred upon it by law, to a different conclusion than that which it deems proper in the public interest; that the board regrets that the Grand Trunk Railway Company does not see fit to allow the electric railway company sufficient space for the running of its cars between Mr. Seagram's property and the line of the Grand Trunk Railway, but that the board finds that it has no authority to compel the Grand Trunk Railway Company to allow the Preston and Berlin Company the use of any portion of the land of the Grand Trunk Railway Company.

This being so, any change in the line of the Grand Trunk Railway Company at the street crossings would be of no benefit to the Preston and Berlin Company.

No. 307.—Chatham, Wallaceburg and Lake Erie Railway Company v. Canadian Pacific Railway Company.

This was an application by the Chatham, Wallaceburg and Lake Erie Railway Company, under section 177 of the Railway Act, 1903, for leave to cross the tracks of the Canadian Pacific Railway Company, lessees of the Ontario and Quebec Railway Company, at William and Raleigh streets, in the city of Chatham, Ontario.

By agreement made in 1888 between the town of Chatham and the Ontario and Quebec Railway Company, the company agreed to maintain on two streets gates and watchmen where the railway crosses the highway, and to permit crossings to be made over four streets by the Chatham Street Railway Company and such other companies or corporations as the town might from time to time authorize to construct and run street railways in Chatham.'

By by-law of the city of Chatham passed in 1905, the Chatham, Wallaceburg and Lake Erie Railway Company (incorporated by Act of Parliament of Canada, 3 Edw. VII., ch. 105) was authorized to lay down and construct a street railway in Chatham and was given extensive privileges of running passenger and freight cars by electric power on certain streets, including those crossed by the Ontario and Quebec Railway Company.

Hearing at Chatham, December 7, 1905.

Judgment, Killam, Chief Commissioner (5 Can. Ry. Cas., p. 175.)

Held, that the applicants, although possessing greater powers than an ordinary street railway company, came within the terms of the agreement of 1888 as being a company authorized to construct and run a street railway in Chatham.

Held, also, that the consent of the railway company in the agreement of 1888, to permit crossings for street railway purposes did not amount to a consent to permit crossings for all purposes, nor require it to bear the cost of any extra precaution necessary in consequence of a street railway or other railway being built across its line, and that the extra expense incurred ought to be borne by the applicants.

No. 25.—City of Ottawa v. The Canada Atlantic Railway Company and Ottawa Electric Railway Company.

This was an application by the city of Ottawa, made on October 8, 1905, to the Railway Committee of the Privy Council for an order directing the construction by the Canada Atlantic Railway Company of a subway under its tracks on Bank street and apportioning the cost of such work between the Canada Atlantic Railway Company and the Ottawa Electric Company. The application was transferred to the board after the coming into force of the Railway Act, 1903.

The Ottawa Electric Railway Company, whose undertaking was declared by the Parliament of Canada a work for the general advantage of Canada, was authorized by order of the Railway Committee of the Privy Council, to cross the tracks of the

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Canada Atlantic Railway Company on Bank street, and by agreement the expense of protecting the crossing was borne equally between the two companies.

By an agreement dated June 20, 1893, between the city of Ottawa and the Ottawa Electric Railway Company, provision was made for the construction and operation of the works of the company over certain streets (including Bank street) of the city of Ottawa for a period of thirty years from the date of agreement. Under this agreement the company was obliged to pay the city annually the sum of \$450 per mile of street occupied by its tracks for the first fifteen years, and the sum of \$500 per mile thereafter.

By another clause in the agreement the company undertakes to pay \$1,000 per mile on streets which are permanently paved. The agreement also provides that in the event of the city desiring to alter the grade of any street, it shall be entitled to do so without being liable to the company for any damage which it might sustain by reason of the interruption of traffic.

Hearing at Ottawa, April 11, 1905.

Judgment, July 13, 1905. Per Killam, Chief Commissioner (5 Can. Ry. Cas., p. 127) :

Held, that the city corporation should contribute equally with the steam railway company to the cost of the work.

Also, that the Electric Street Railway Company should likewise contribute to the cost of the work.

Ordered, that the cost of construction of the subway, including compensation for land damages, be borne by the parties in the following proportions: three-eighths by the city corporation, three-eighths by the steam railway company, one-quarter by the Electric Street Railway Company.

Leave was granted by the board on the application of the Ottawa Electric Railway Company to appeal to the Supreme Court of Canada from its order upon the following questions of law:—

1. Whether by reason of the terms of the agreement between the Ottawa Electric Railway Company of the city of Ottawa, dated June 28, 1893, the Ottawa Electric Railway should have been ordered to contribute to the cost of the work thereby ordered to be constructed.

2. Whether the Ottawa Electric Railway Company was entitled under said agreement, to have the city of Ottawa furnish to the Ottawa Electric Railway Company, for the use of the said company in the exercise of its running powers, a street or highway known as Bank street, including that portion of the said street where it is crossed by the tracks of the Canada Atlantic Railway Company (either with the existing grade or with a changed grade as proposed), upon terms as to payment or compensation as laid down in the said agreement, and whether if such was the effect of the said agreement, the Ottawa Electric Railway Company should have been ordered to contribute to the cost of the work, thereby ordered to be constructed.

Held, that the Electric Company was a company 'interested or affected' in or by the said work within the meaning of section 47 of the Railway Act, 1903, and could properly be ordered to contribute to the cost thereof (37 S.C.R. 354.)

No. 200.—*Re* Canadian Pacific Railway Company's branch east of the Don, Toronto.

This was an application by the Canadian Pacific Railway Company, as lessees of the Ontario and Quebec Railway Company, under section 175 of the Railway Act, 1903, for authority to construct a branch line of railway along the east side of the river Don, in the city of Toronto.

Hearing at Toronto, April 27, 1905.

Judgment, August 15, 1905, refusing application.

Killam, chief commissioner: It was not shown to the satisfaction of the board that such a branch was 'necessary in the public interest, or for the purpose of giving

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increased facilities to business,' as required by subsection 4 of section 175 of the Railway Act, 1903.

The legislature had committed the interests of that part of the city, in a large measure, to the civic authorities. The board felt that it should not interfere with the exercise of their discretion except for grave reason, and that it should be left largely to them to decide whether any, or what, railway company should be allowed to construct a branch in that neighbourhood.

It did not necessarily follow that authority would be given to any company chosen by the city, but the fact that the city agreed to the building of such a line would tend to establish its importance, and the city's choice would have great weight, provided the terms appeared to the board to properly safeguard the interests of other railway companies as well as those of the public.

No. 257.—Grand Trunk Pacific Railway Company v. Canadian Pacific Railway.

The Grand Trunk Pacific Railway applied under section 123 of the Railway Act, 1903, for an order approving the location of a section of the main line of its railway from Portage la Prairie to the Little Saskatchewan river, in Manitoba.

The route map was approved by the Minister of Railways, as required under section 122 of the Railway Act, 1903, and by the Governor in Council.

It was objected on behalf of the Canadian Pacific Railway Company that the continuation of the proposed location of the applicant company's line to the boundary between Manitoba and the province of Saskatchewan would be within a very short distance, 9 or 10 miles, of the Pheasant Hills and Manitoba and Northwestern branches of the Canadian Pacific Railway Company, which was contrary to the intent and purpose of parliament as indicated by the Act incorporating the applicant company, which required the applicant company to keep a distance of approximately 30 miles from other roads, and which involved, therefore, a very important question of law, namely, as to the true construction and interpretation of the incorporating Act, and upon which the board might desire the opinion of the Supreme Court.

Hearing at Ottawa, September 4, 1905.

Judgment, September 4, 1905.

Chief Commissioner: It does not seem to me that there is any question of law involved in this case. The company obtained a special Act authorizing it to build a line of railway between certain points. Parliament has authorized that to be done, and it is not for this board to say that it shall not be done.

The Railway Act, which by its terms is to be read as one with the special Act, requires the approval by the minister of the route of the railway. After the minister has approved it, the route is to be deemed the route that the railway is to follow, and it cannot be altered except by the minister himself. The board has no arbitrary power to refuse to accept location plans which have been approved by the minister. After such approval the proper attitude for the board to assume is to consider that there is a company empowered by parliament to construct a railway upon the route so approved. The board has no right to say that the line shall not be built on that route. It must treat the location plans merely as plans of a part of the line according to that route located, and all it can say is as to whether the detailed location along that route shall be adopted or shall not.

There might be reasons why it should vary this a little one way or the other and still conform to the general route the minister has authorized.

Although the board should be very chary about questioning the minister's view, still it might not be found approving that location if it believed that the minister had taken a wrong view of the law, and that he had no power to authorize or sanction the route under the special Act of the railway company. A question of that kind is raised here. There is, to my mind, however, no doubt whatever that the Grand Trunk Pacific Company has authority to build on the route that has been chosen, and that the minister has authority to sanction that route.

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The company is by its Act, given power to build railways from Moncton to the Pacific coast and certain points are specified through which it has to pass. The Minister would be bound by this.

The clause referred to as creating a limitation as to the route in the Northwest Territories does not bind the Governor in Council to anything as a matter of law. In the first place, it requires the location to be approved by the Governor in Council, and it says that he is to have regard to a certain principle; that he shall have regard to that principle except for the purpose of reaching common points. There is one exception. Then it says, or for other satisfactory reasons. That leaves it open to the Governor in Council to say what are the satisfactory reasons. It says further that such location shall, as far as practicable (another exception), be constructed at such distance, generally not less than thirty miles from any other main line of railway, as the Governor in Council may deem reasonable. There is no limitation, in fact, as to the thirty miles. It is a suggestion thrown out by which the Governor in Council may, to a certain extent, feel himself bound to act. The very fact that some portion of the line is picked out, and certain considerations are pointed out to guide in the approval of that particular location, would indicate that the rest of the route is left open, as it would be to any other railway company under the general Railway Act, and its Special Act, when the latter has no particular limitation as to route.

Held, that there is not sufficient in the question of law raised to cause the board to submit the question to the Supreme Court before acting in the usual way, and that the orders should issue approving the plans.

No. 25.—Application of the Grand Trunk Railway Company, under section 139 of the Railway Act, 1903, for authority to take certain additional lands lying north of the Esplanade and between Yonge and York streets, in the city of Toronto, and for the settlement of the minutes of the order therein.

On April 19, 1904, an extensive fire took place in the business portion of the city of Toronto. On May 4, 1904, before proceedings had been taken by any land-owner to rebuild, this application, which included a portion of the burnt property, was made. A further application, covering more of the burnt property was afterwards made on August 10, 1904.

The application was in the terms of the statute, to permit the applicants to appropriate the lands burnt over and other lands for the purpose of the 'convenient accommodation of the public and the traffic on its railway.' The result of the application was that none of the owners affected had completed any work on the ground looking towards a restoration of the buildings which had been burnt.

Two important points raised at the hearing were :—

First, as to the jurisdiction of the board. It was claimed that sufficient ground was not laid, under section 139 of the Railway Act, to enable the board to entertain the application.

Secondly, as to the question of compensation to those interested in the land proposed to be taken.

Hearings, May 26, July 22, December 9, 1904, and January 5, 1905, at Ottawa, and December 22 and 23, 1904, at Toronto.

Judgment, February 23, 1905.

Killam, chief commissioner (4 Can. Ry. Cas., p. 290) :

The board may consider not merely the traffic coming to the station on the railway of the applicants immediately or from a distance, but also future traffic on the railway and the future accommodation of the public.

In dealing with the question of compensation, the board may require the applicants to do any act whatever, including the payment of money, in addition to the compensation ordinarily allowed under the statute, but any such additional compensation should be allowed only under very peculiar circumstances.

Held, that compensation should not be paid to the owners for business losses sustained since the fire and during proceedings taken before the board for leave to

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expropriate, but interest from the date of the original application for such leave was allowed.

Bernier, deputy chief commissioner (dissenting) : The principles upon which compensation should be allowed are fixed by the Railway Act, and the board has no power to order payment of compensation for any other damage than that which the statute allows in the ordinary case of expropriating lands under the Railway Act.

Mills, commissioner (dissenting) : That compensation can be allowed under section 139, for business losses sustained while an application for leave to expropriate is pending, and that this was a proper case for allowing damages for such losses.

No. 183.—In *re* Grand Trunk Railway Company and cities of St. Henri and Ste. Cunegonde.

The Grand Trunk Railway Company applied for authority to expropriate, for the purpose of yard room, land owned by the cities of Ste. Henri and Ste. Cunegonde, in the province of Quebec.

Hearing at Ottawa, February 14, and at Montreal, February 22, 1905.

Judgment, May 2, 1905.

Killam, chief commissioner (4 Can. Ry. Cas., p. 277) :

Under sections 118 and 139 of the Railway Act, 1903, railway companies may expropriate the lands of municipal corporations used by them for municipal purposes.

No. 204.—Reid *v.* the Canada Atlantic Railway Company.

This was an application under section 186 of the Railway Act, 1903, by a private individual, to compel the Canada Atlantic Railway Company to make and maintain highway crossings over or under the line of railway at points adjoining lands of the applicant, and was based upon an alleged agreement between the applicant and the railway company, claimed to have been made by Mr. J. R. Booth on behalf of the railway company.

The existence and alleged terms of the agreement were disputed as well as the authority of Mr. Booth to bind the company in that respect. The railway was constructed through the lands of the applicant, and the right of way acquired from him. He afterwards laid out into town lots, with intersecting streets, lands adjoining the railway, and the application was to have certain of these streets carried across the line of railway.

The municipality had passed a by-law purporting to establish as public highways such streets without complying with section 632 of the Municipal Act, R.S.O. 1897, chapter 223.

It was objected that the applicant had no *locus standi* to be heard on such an application, which should be made by the municipality only, and that no such highway can be opened across the line of railway without the previous enactment of a by-law of the municipality to that effect, after fulfilment of these formalities.

Hearings at Ottawa, May 16, and June 6, 1905.

Judgment, June 9, 1905.

Killam, chief commissioner (4 Can. Ry. Cas., p. 272) :

1. Under section 186, either a railway company or other parties may apply for leave to the railway company, and possibly in some cases to other parties, to construct a highway.

2. The by-law of the municipality was imperative to establish a highway across the railway against the will of the company.

3. The Surveys Act, R.S.O. 1897, ch. 181, sec. 39, cannot create highways across the land of a railway company or give any right to the applicant to have his streets extended across the railway.

4. A railway company may, with the leave of the board, lay out and dedicate portions of its right of way for use as highways which the municipality could accept without passing a by-law for that purpose.

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5. The applicant is only entitled to an order from the board authorizing the railway company to lay out and construct such highways. The by-law of the municipality may be considered an acceptance of such highways.

6. The board does not enforce specific performance of such agreements. It is not empowered to compel the railway company to construct the highway at the instance of the applicant.

7. As no other court or authority than the board can legally allow the railway company or any other person to construct the highway, the application should proceed for the purpose of enabling the board to determine whether it will give this permission.

No. 191. Guelph and Goderich Railway Company v. Grand Trunk Railway Company.

This was an application by the Guelph and Goderich Railway Company, under section 137 of the Railway Act, 1903, for authority to take possession of, use and occupy land of the Grand Trunk Railway Company at Goderich.

The land sought to be taken was a portion of a strip along the harbour of the town of Goderich upon the waterside of which the Grand Trunk Railway Company had a number of tracks and other improvements. The particular portion applied for was not occupied by the tracks or used in any way by the Grand Trunk Railway Company, but that company claimed that it would be likely to require, in the future, for its business at that point, two additional sets of tracks upon the land in question.

The applicant company desired to take and use not only the portion absolutely required for its tracks, but also a further strip for support.

The board's chief engineer reported that one additional track would meet all the reasonable requirements of the Grand Trunk Railway Company for the future and that the quantity he recommended that the Guleph & Goderich Railway Company be authorized to take was the least that would be reasonably required for its tracks and their support.

Hearing at Ottawa, March 21, 1905.

Judgment, July 17, 1905.

Killam, chief commissioner: Railway companies have been granted by the legislature very great powers to take property without the consent of the owners. In the exercise of these powers they frequently cause serious discomfort and inconvenience to individuals, and in many cases deprive parties of property urgently needed for business purposes.

Section 137 of the Railway Act, 1903, places railway companies under liability to be subjected to similar treatment to that which, by the general expropriation clauses of the Act, they are empowered to mete out to private individuals.

Parliament desires that the way should be kept clear for the construction of additional railways, and that existing railway companies shall not be allowed to monopolize the lands advantageously situated for railway purposes at any particular point.

The board is empowered by this legislation to authorize one railway company to occupy and use the lands of another, even to the serious loss and detriment of the latter. Due compensation being made therefor care should be taken to avoid such injury, except where the public interest imperatively requires it.

It is difficult to estimate in advance the probable requirements of the distant future. On such applications endeavour should be made to allow for future development; and, if it can be avoided, encroachment upon the property likely to be reasonably required for the purposes of the existing railway should not be authorized. On the other hand, the board must guard against the use by an existing railway company of an exaggerated estimate of its probable requirements for the purpose of placing at a disadvantage an incoming competitor.

It has not been shown that there is any need of even the one additional track for the purposes of the business of the Grand Trunk Railway Company in Goderich or the neighbourhood, or that there is any immediate prospect of its being required.

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'If that time should ever arrive the board, or such body as shall then exercise its present authority, can make such provision as may seem meet.'

Held, that order should go authorizing the Guelph & Goderich Railway Company to take possession, use, and occupy the lands estimated by the engineer of the board to be required for its purposes, such compensation therefor to be paid by that company as shall be fixed by agreement between the two companies, or, in case they cannot agree, by the board.

Held, also, that while the board has the power to rescind or vary any of its orders, this order should expressly provide that it is subject to be varied or rescinded by the board; thus the parties will have full notice that such change may be made as future developments shall require.

No. 249.—Preston and Berlin Street Railway Company v. Grand Trunk Railway Company.

The Preston and Berlin Street Railway Company applied, under section 137 of the Railway Act, 1903, for authority to take possession of, use, and occupy so much of the lands of the Grand Trunk Railway Company's right of way at the crossing of Caroline and Erb streets, in the town of Waterloo, as is necessary for the applicant Company's crossing at these points.

The Preston and Berlin Company was incorporated by letters patent under the great of the province of Ontario.

Hearing at Ottawa, August 29, 1905.

Killam, Chief Commissioner: Section 137 gives to a company, if the board authorizes it, the power to take and use the land of a railway company. The words 'the company,' referred to in that section mean a railway company within the legislative authority of the Parliament of Canada.

The board has no jurisdiction to authorize the taking of the lands applied for.

No. 318.—Bertram & Sons' application—branch line.

This was an application by John Bertram & Sons, Ltd., of Dundas, Ontario, for an order directing the Hamilton and Dundas Street Railway Company and the Toronto, Hamilton and Buffalo Railway Company, or one of them, to construct and maintain a branch line from the railway of the Hamilton and Dundas Street Railway Company from Hatt street, in the town of Dundas to the lands and premises of the applicants.

The Hamilton and Dundas Street Railway Company was incorporated by Act of the Legislature of the province of Ontario, and its railway was never declared by the Parliament of Canada a work for the general advantage of Canada.

The contention on behalf of the applicants was that section 7 of the Railway Act, 1903, gave the board jurisdiction.

This section provides that 'every railway, steam or electric street railway or tramway, the construction or operation of which is authorized by a special Act passed by the Legislature of the province, now or hereafter connecting with or crossing a railway which, at the time of such connecting or crossing, is subject to the legislative authority of the Parliament of Canada, is hereby declared to be a work for the general advantage of Canada in respect only to such connection or crossing, or to through traffic thereon'

The Toronto, Hamilton and Buffalo Railway Company is subject to the legislative authority of the Parliament of Canada.

Hearing at Toronto, December 11, 1905.

Judgment, December 11, 1905.

Killam, Chief Commissioner: These provincial railways are declared to be works for the general advantage of Canada in respect only of the making of the physical connection, the crossing of one by the other, and the through traffic between them. That does not include the making of sidings or the giving of facilities for traffic.

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Its purpose is to make those railways authorized by the provincial legislatures subject to the Dominion Railway Act in respect of certain matters only, and not to make the whole of these railways, after they have once been connected, and become in one sense a connection of a Dominion railway, wholly subject to the Act for all purposes.

Held, that the Hamilton & Dundas Street Railway Company was not within the board's jurisdiction and that the board had no power to make an order directing it to give a siding.

No. 264. The Canadian Pacific Railway Company v. the Township of North Dumfries.

Application by the Canadian Pacific Railway Company for authority to construct and operate railway tracks for a term of years over the present line of a highway in the township of North Dumfries, Ontario, to close to public traffic a portion of such highway, and to open in lieu thereof a new road.

The company had a spur track running from its main line at Ayr to a mill, and from this spur line sidings were run into a ballast pit, crossing in their course the highway in question.

Arrangements had been made with the owners of lands adjoining the gravel pit on one side of the highway and adjoining the company's mill spur on the other side of the highway, for the acquisition of further lands containing gravel; and the company desired to excavate farther back into the side of the hill to a depth much below the level of the highway, and for that purpose to cut away the soil of the highway a similar depth, and also for a period of fifteen years to divert the highway so that it would run around the company's land and be crossed on one side by the spur leading from the station at Ayr to the mill and gravel pit.

It was objected that the Railway Act did not authorize the diversion of a highway except for the purpose of its being crossed by or carried opposite the main line of the railway.

Hearing at Galt, November 6, 1905.

Judgment.

Killam, Chief Commissioner: Gravel is necessary for properly ballasting a line of railway and keeping it in a proper state of efficiency. The ordinary method of obtaining such gravel for use on a line of railway is to construct spurs or sidings to points where the gravel is to be obtained, and to carry it therefrom by railway locomotives and cars to the line on which it is to be used.

Section 141 shows that the acquisition of lands on which gravel is to be found, and the construction thereto of spur lines, are within the powers intended by parliament to be exercised by a railway company.

Where the railway company can acquire the lands containing the gravel, and have a right of way thereto, it is not necessary to take the steps prescribed by section 141. For the purposes of such spur line, the railway company can exercise the powers for the diversion of highways given by the Act, as well as for the purpose of the construction and operation of the main line of railway.

In order to the proper excavation of the gravel pit to the depth to which the gravel goes, and for the proper operation of gravel trains, the railway company requires to cut through the highway more than once. A single cutting across the highway of the ordinary width for one track, would be insufficient. In order to keep the highway on its present site in a fit state for travel, a long bridge or series of bridges would be necessary.

The railway company, in lieu thereof, can properly be authorized to divert the highway at this point for the period of time estimated by it to be necessary for the purpose of exhausting the gravel pit.

By the municipal law of Ontario, the municipality in which the highway is situated is entitled to dispose of gravel in the soil of a public highway, and to maintain trespass against any person taking the same. The railway company does not

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desire to deprive the municipality of the gravel in the soil of the highway, and is willing to restore the site of the highway to a satisfactory condition for public travel at the conclusion of its operations.

Section 2, subsections (s) and (bb), 118, 119, 141, and 186 of the Railway Act, 1903, referred to.

Held, that the diversion should be allowed upon proper terms for safeguarding the interests of the municipality and of the public.

No. 263b.—T. D. Robinson & Son v. The Canadian Northern Railway Company.

This was an application by T. D. Robinson & Son, of the city of Winnipeg, for an order directing the Canadian Northern Railway Company to replace the siding wrongfully taken up by it from the applicant's property immediately adjoining the station and main line and yards of the said railway company, in the said city of Winnipeg, or any such other part of the applicants' yard as to the board may seem just; or, in the alternative, that general delivery of all freights consigned to the applicants be made to the siding at present erected close to the applicants' yards, and for such other relief as to the board may seem just.

The applicants were owners of lands immediately adjoining the main line passenger station and the yards of the railway company in the city of Winnipeg, and formerly had a private siding extending from a point on their land into the station yards of the company and connecting with the railway. The siding was constructed and owned by the railway company, who had, however, acquired no title to any part of the land of the applicants on which the said siding was placed.

The railway company later took up the siding, alleging, as a reason, that it was inconvenient for them to continue the use of it to the applicants, and as a result this application was made to the board.

It was objected, on behalf of the railway company, that the board had no jurisdiction to make an order as applied for; that the only section of the Railway Act empowering the board to order the construction of spur lines is 176, and unless the parties should consent to an order made with any other provisions, the board would be limited to making this order strictly in accordance with the provisions of that section.

Hearing at Winnipeg, September 11, 1905.

Judgment, January 6, 1906.

Killam, chief commissioner: In taking from the applicants the siding and railroad connection formerly enjoyed by them, the railway company deprived the applicants of reasonable facilities which the company should be directed to restore.

The applicants did not apply under section 176 of the Railway Act as owners of an industry for an order to compel the company to construct a branch or spur line. Their land adjoins the railway yards of the company, and no order was necessary to enable the railway company to construct a line upon its own land to the boundary line between its property and that of the applicants, or to make connection at such boundary line with a siding upon the applicants' land and transfer cars to and from such siding.

The siding and connection, and the privilege of loading cars and delivering goods for carriage on such a siding and of receiving and unloading goods by means thereof, may properly be required as facilities within the Act.

While the board does not hold that the railway company should be made to furnish similar facilities to every applicant, in view of the previous supply of the same to the applicants and of the company's practice in freely furnishing such accommodation to those engaged in the same and other branches of business, as well as the other facts and circumstances disclosed, these facilities should be regarded as reasonable and proper ones which the company should afford to the applicants.

Under all the circumstances, the discontinuance of the former service was unreasonable. Railway companies should not be allowed to furnish and cut off such facilities capriciously.

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An order directing the railway company, in the general terms of section 253, to afford to the applicants all reasonable and proper facilities for the receiving, &c., would not be sufficient. The authorities cited by counsel for the company were not, in the opinion of the board, conclusive against its jurisdiction to direct specifically the continuance of previous facilities which have been unreasonably discontinued.

Held, that an order should go directing the railway company to restore the spur track facilities formerly enjoyed by the applicants for the carriage, despatch, and receipt of freight in carloads over, to, and from the line of the railway company and the connection for that purpose, between such spur track and a railway siding on the land of the applicants; the company to have the option of constructing the siding on the applicants' land, at the expense of the applicants, or of allowing this to be done by the applicants, who shall bear the expense of making the necessary connection. The company should also have the option of constructing the track from such point on its line, and to such point on the applicants' land, as it shall think proper.

Order issued February 19, 1906.

Note.—The railway company appealed to the Supreme Court of Canada from the order of the board, dated the 19th day of February, 1906, on the question of the board's jurisdiction to make the order. Appeal dismissed.

No. 263a.—Winnipeg Builders' Exchange.

This was an application by the Winnipeg Builders' Exchange for an order directing the Canadian Pacific Railway Company, the Canadian Northern Railway Company, and the Manitoba Railway Company to interchange freight of all grades and classes at the city of Winnipeg.

Hearing at Winnipeg, September 11, 1905.

Killam, Chief Commissioner: Railway companies are not entitled, under sections 214 and 253 of the Railway Act, 1903, to distinguish between different kinds of traffic by refusing to certain commodities the facilities for interchange which are given in respect of other commodities, but in view of the congested state of traffic on railways in Manitoba at that time, the board did not think it proper to direct that any change be made immediately in the practice theretofore followed in that respect.

Held, that an order should issue directing that on and after the 1st day of January, 1906, all freight in carloads shall, when carried over the railway of the Canadian Pacific Railway Company or the Canadian Northern Railway Company to the city of Winnipeg, or the town of St. Boniface, or delivered to such other company at Winnipeg or St. Boniface for carriage, be transferred by the one company to the other in the original car at some point of junction of their lines in the vicinity of St. Boniface or Winnipeg, when so consigned.

In view of the condition of the line along the west side of the Red River, commonly known as the 'transfer track,' and the total insufficiency of that line for the interchange of such traffic, the railway companies were left to make the interchange at such point as circumstances appeared to them to warrant.

No. 212. The Canadian Pacific Railway Company v. The Grand Trunk Railway Company.

This was an application by the Canadian Pacific Railway Company for an order directing the Grand Trunk Railway Company to afford proper facilities for the interchange of traffic between the said companies over the branch authorized by order of the 6th of July, 1904, to be constructed by the Grand Trunk Railway Company from a point on its line between London and St. Mary's to the line of the Canadian Pacific Railway Company, between London and Toronto, and fixing the amounts to be charged for such interchange of traffic and the inter-switching of cars over the said branch.

The only connection at or near London, between the lines of the two railways, is by this branch.

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The Grand Trunk Railway Company's lines in and through the city of London were in existence long before the Canadian Pacific Railway was constructed. It had extensive terminal properties, including a large number of sidings to various business and manufacturing premises and an extensive business at that point. The terminal facilities and business of the Canadian Pacific Railway Company at London on the other hand were comparatively small.

By means of this branch the Canadian Pacific Railway Company was given direct access to a large number of business premises in London, which it did not previously have.

Urged, on behalf of the Grand Trunk Railway Company, that as the proposed connection would be much more advantageous to the Canadian Pacific Railway Company than to it, the Grand Trunk Company should receive much the larger proportion in the division of rates for traffic interchanged between the two companies—much greater than that which would be a fair remuneration for the mere service rendered in the transportation of cars over this branch and its London terminal lines and the loading and unloading of the same.

Secs. 253, 266, 267, and 271 of the Railway Act, 1903 referred to.

Hearing at Ottawa, June 20, 1905.

Judgment, July 16, 1905.

Killam, Chief Commissioner : The provisions of the Railway Act which require railway companies thus to interchange traffic at connecting points are introduced, not for the purpose of benefiting one railway company at the expense of another, but solely in the interests of the public. The law cannot recognize anything in the nature of a good will of the business of either railway company thus affected, for which another should give compensation. The division between railway companies of the joint rates for traffic thus interchanged should be made upon the principle of giving reasonable compensation for the services and facilities furnished by the respective companies in respect of the particular traffic interchanged, and not by reference to the magnitude of the business of the company, or the other at particular points, or the respective advantages which each can offer to the other there, or a comparison of the loss which the one is likely to sustain with the gain likely to accrue to the other from the giving of the facilities which the law requires.

The board cannot properly deal with this question of the division of such rates or the allowance of charges for switching in a general way, and by reference to all the points in Canada where the railways may connect. In each case the nature and value of the service to be rendered and the facilities to be used must be taken into consideration.

The Grand Trunk Railway Company being obliged to furnish, for the carriage over its portion of the continuous line, for the receipt and delivery of the same, and for the loading and unloading of cars for the purpose, the same facilities as in respect of traffic passing over its own lines only or transferred to or by it at distant points of the Canadian Pacific Railway system, the apportionment of rates should be made upon this basis.

Held, that order should go requiring the Grand Trunk Railway Co. to afford all reasonable and proper facilities for receiving, forwarding and delivering all traffic offered to it in cars wholly or partially loaded for passage over the branch in question and its lines connected therewith and of unloaded cars so offered and of freight offered to it for carriage to and over the lines of the Canadian Pacific Railway by the medium of the said branch, and for the interchange by means of the said branch of traffic between its lines and those of the Canadian Pacific Railway Company, as well as between the lines of the Canadian Pacific Railway Company and those of other railway companies connecting with the lines of the Grand Trunk Railway Company, and providing that the rates to be charged for such traffic shall be those provided for by any joint tariffs in existence between the railway companies interested, and, in the event of there being none, the rates charged by the Grand Trunk Railway Company between the same points, and, in the absence of either the rates charged by the Cana-

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dian Pacific Railway Company between the same points ; also, that in the division of rates for such traffic, the Grand Trunk Railway Company shall be entitled to charge and receive the following tolls for switching freight and live stock traffic, in carloads, from and to the Canadian Pacific Railway at or near London by means of the said branch, namely :

(a) Between the point of connection of the Grand Trunk Railway interchange track and the Canadian Pacific Railway siding, and all delivery tracks and siding owned or controlled by, or connecting with, the lines of the Grand Trunk Railway between and including the Canadian Packing Company's plant on the east and the London Street Railway interchange, known as Springbank siding, on the west, except as provided in clause (b); one cent per one hundred pounds, but not less than five dollars per carload, for each complete haul in either direction ; no extra charge to be made for the movement of the empty car in the opposite direction.

(b) For the intermediate switching of through or joint freight and live stock traffic between the point of connection designated in clause (a) and the point of connection of the Grand Trunk Railway with the Père Marquette Railroad, three dollars per car, in either direction, regardless of the weight ; no extra charge to be made for the transfer of the returning empty car.

Held, further, that the order should also provide that all devices, such as free or assisted cartage or cartage allowances intended to equalize the facilities of the respective railways of the Canadian Pacific Railway Company and the Grand Trunk Railway Company for the collection and delivery of freight at or near London, except the customary system of cartage published in the freight tariffs of the respective companies be prohibited and that all preference, prejudice, and discrimination in such cartage system be prohibited.

Order dated July 25, 1905, issued.

Note.—An appeal of the Supreme Court of Canada from board's order of July 25, 1905, now pending.

APPENDIX E.

REPORT

OF THE

CHIEF TRAFFIC OFFICER OF THE BOARD

APPENDIX E.

REPORT OF THE CHIEF TRAFFIC OFFICER OF THE BOARD.

OTTAWA, October 24, 1906.

SIR,—I submit herewith the report of the Traffic Department of the Board from February 1, 1904, to March 31, 1905, and from April 1, 1905, to March 31, 1906.

Subjoined is a statement of the freight and passenger schedules filed with the board between November 1, 1904, when, by order of the board, the railway companies commenced filing their tariffs, and March 31, 1905, and from April 1, 1905, to March 31, 1906, inclusive :—

TARIFFS AND SUPPLEMENTS RECEIVED TO AND INCLUDING
MARCH 31, 1905.

FREIGHT.			
Local tariffs.....	787		
supplements	416	1,203	
Joint tariffs.. .. .	1,105		
supplements	1,364	2,469	
International tariffs.. .. .	5,262		
supplements.. .. .	6,241	11,503	15,175
PASSENGER.			
Local tariffs	284		
supplements.. .. .	178	462	
Joint tariffs	145		
supplements.. .. .	107	252	
International tariffs.. .. .	548		
supplements.. .. .	458	1,006	1,720
Combined totals, freight and passenger.. .. .			16,895

TARIFFS AND SUPPLEMENTS RECEIVED FROM APRIL 1, 1905, TO AND
INCLUDING MARCH 31, 1906.

FREIGHT.			
Local tariffs	422		
supplements.. .. .	738	1,160	
Joint tariffs	953		
supplements.. .. .	2,166	3,119	
International tariffs.. .. .	3,328		
supplements.. .. .	8,436	11,764	16,043
PASSENGER.			
Local tariffs.. .. .	405		
supplements.. .. .	160	565	
Joint tariffs.. .. .	188		
supplements.. .. .	76	264	
International tariffs.. .. .	914		
supplements.. .. .	354	1,268	2,097
Combined totals, freight and passenger.. .. .			18,140

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GRAND TOTAL OF ALL SCHEDULES RECEIVED TO AND INCLUDING
MARCH 31, 1906.

FREIGHT.			
Local tariffs.....	1,209		
supplements	1,154	2,363	
Joint tariffs.. .. .	2,058		
supplements.. .. .	3,530	5,588	
International tariffs.. .. .	8,590		
supplements.. .. .	14,677	23,267	31,218
PASSENGER.			
Local tariffs.. .. .	689		
supplements.. .. .	338	1,027	
Joint tariffs.. .. .	333		
supplements.. .. .	183	516	
International tariffs.. .. .	1,462		
supplements.. .. .	812	2,274	3,817
Combined totals, freight and passenger.. .. .			<u>35,035</u>

The following orders relating to traffic on lines subject to the Railway Act, 1903, have been issued by the board from February 1, 1904, to March 31, 1905, viz.:—

March 9, 1904.—Order permitting railway companies to continue their reduced fares to clergymen and to students of universities, colleges and schools, to and from their homes.

June 28, 1904.—Reduction ordered in the rates on oiled clothing, in carloads, from Toronto to Halifax, Winnipeg, and Calgary.

July 16, 1904.—An order legalizing Canadian Freight Classification No. 12, with Supplement No. 1 and Ruling Circular No. 1, until such time as the board shall revise, alter, or amend the same.

July 30, 1904.—Railway companies ordered to cease charging prohibitive rates on cedar lumber, ties, &c., and to substitute tolls which shall not discriminate between cedar and other woods ; also to amend the Canadian Freight Classification by including rails, fence posts, telegraph poles, and ties with other forest products, instead of carrying these commodities as formerly by ‘special contract’ only.

July 30, 1904.—Order reducing rates on cooperage stock in carloads.

July 30, 1904.—Railway companies directed to reduce their rates on glass bottles, in carloads, from Wallaceburg, Ont., to Toronto, Hamilton, Berlin, London and Montreal

October 3, 1904.—Order regarding reduced rates on material and machinery for new industries. Companies directed to report applications to the board, which will deal with each on its merits.

October 3, 1904.—Order declining application of Grand Trunk Railway Company, for permission to charge a less rate on coal to Cobourg, Ont., for manufacturing purposes than charged to ordinary consumers and dealers.

October —, 1904.—Reduction ordered in the rates on coal from the Niagara and Detroit frontiers to Almonte, Ont.

October 10, 1904.—Order refusing application of the United Factories for a special rate on logs, Penetanguishene to Newmarket, Ont.

October 10, 1904.—Order revising and reducing the classification of fruit, and prescribing a maximum charge for icing fruit cars in transit.

October 10, 1904.—Order reducing rates on split peas, for export, to the same basis as flour, for export.

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October 31, 1904.—Railway companies directed to desist from charging higher rates on cedar lumber from the mills in British Columbia than charged on pine, fir, and spruce.

December 29, 1904.—Order disallowing certain advanced freight tariffs on grain products from Ontario to the Maritime Provinces, which had been issued without legal notice, and directing the companies to make restitution to the shippers.

February 9, 1905.—Order prescribing conditions under which railway companies may make and report to the board special rates in certain cases, under section 275 of the Railway Act, 1903.

February 9, 1905.—Order prescribing under what circumstances the board will receive telegraphic notices of proposed tariff changes in freight rates under emergency conditions.

February 9, 1905.—Order authorizing the Canadian Northern Railway Company to carry material and machinery for new industrial works at Port Frances, Ont., at reduced rates.

March 6, 1905.—Order prescribing lower rates on cattle from Ontario to Montreal, St. John, West St. John and Portland, for export, so as to bring them more into harmony with those paid by United States shippers.

From April 1, 1905, to March 31, 1906, the following orders relating to traffic on lines subject to the Railway Act, 1903, have been issued by the board, viz :

April 15, 1905.—Railway companies ordered to discontinue charging higher rates on grain between local points in Ontario and Quebec than charged on flour and other grain products between the same points.

June 2, 1905.—Preferential coal rates from Port Stanley and Rondeau, Ont., ordered discontinued.

July 5, 1905.—Restoration ordered of rates formerly charged on metallic shingles, the increase of which had checked shipments.

July 13, 1905.—Cartage and other allowances by railway companies to shippers to offset disadvantages of location ordered discontinued, unless published in the companies' tariffs.

July 25, 1905.—Railways ordered to provide reasonable and proper facilities for the interchange of local traffic for loading and unloading at London, Ont., and tolls prescribed therefor.

July 25, 1905.—Reduction ordered in rates from Ontario on all traffic to Montreal, Quebec, and the Atlantic seaboard, for export.

September 5, 1905.—Railway companies required to place their rates on coal from frontier ports of entry, and lake ports, to interior points in Ontario on an equal mileage basis.

———, 1905.—Equalization of freight rates ordered to points between North Bay and Sault Ste. Marie, Ont., as between Toronto and Collingwood shippers.

September 19, 1905.—Order reducing rate charged at New Westminster, B.C., for switching grain to the distillery at Sapperton, and prescribing switching tolls within the New Westminster terminals.

October 14, 1905.—Reduction ordered in rates on stone from Manitoba quarries to Winnipeg.

October 17, 1905.—Canadian Pacific and Canadian Northern Railway Companies ordered to interchange carload freight in the original cars at Winnipeg and St. Boniface, Man., for shipment from, or delivery at, those points.

October 31, 1905.—Reduced rates ordered on beans, in carloads, from shipping points in Ontario.

November 15, 1905.—Provision made for the fair distribution of empty cars at Lake Huron and Georgian Bay ports, for the movement of northwest grain during car shortage.

November 28, 1905.—Interchange facilities ordered at Lindsay, Ont., between Grand Trunk and Canadian Pacific Railways, and tolls prescribed for the interchange service.

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January 6, 1906.—New car service, or 'demurrage,' rules more favourable to the public than the old, promulgated by the board for use on all railways subject to its jurisdiction.

February 14, 1906.—Order reducing the rate charged by the Red Mountain Railway Company for switching ore at Rossland, B.C., for the Trail smelter.

February 14, 1906.—Reduction ordered in the rate on grain, in carloads, from the Canadian Pacific Railway Company's elevator at Owen Sound to unloading sidings within the company's terminals at the same place.

February 19, 1906.—Canadian Northern Railway Company directed to replace the siding to Messrs. Robinson & Sons's coal and wood yard at Winnipeg, which had been removed.

March 24, 1906.—Reductions ordered in the maximum carload weights for freight loaded in box cars longer than the standard length of 36 feet 6 inches.

March 24, 1906.—Additions to the articles which may be shipped in mixed carloads at carload rates.

March 24, 1906.—Reduction in minimum chargeable weight for light and bulky articles requiring platform cars for carriage.

In addition to the above mentioned, numerous changes to the advantage of the public, have been made from time to time in the Canadian Freight Classification ; a number of complaints have been adjusted informally by the board, and others have been amicably arranged between the parties at the suggestion of the board, or with its assistance.

I have the honour to be, sir,
Your obedient servant,

J. HARDWELL,
Chief Traffic Officer.

A. D. Cartwright, Esq.,
Secretary, Board of Railway Commissioners for Canada,
Ottawa.

APPENDIX F.

LIST OF EXAMINATIONS AND INSPECTIONS

MADE BY THE

**ENGINEERING DEPARTMENT OF THE BOARD, COVERING PERIOD
FROM FEBRUARY 1, 1904, TO MARCH 31, 1906**

APPENDIX F.

LIST OF EXAMINATIONS AND INSPECTIONS MADE BY THE ENGINEERING DEPARTMENT OF THE BOARD, COVERING PERIOD FROM FEBRUARY 1, 1904, TO MARCH 31, 1906.

July 18, 1904.—Examination of the crossing of Avenue road, Toronto, Ontario, by Canadian Pacific Railway.

July 18, 1904.—Examination of the highway in the village of Jarvis, Ontario, crossed by the Grand Trunk Railway.

July 19, 1904.—Examination of the Hull Electric Railway crossing of the Canadian Pacific Railway, north of Central depot, Ottawa, Ontario.

July 19, 1904.—Examination of proposed siding of Grand Trunk Railway, Strachan avenue, Toronto, Ontario.

July 23, 1904.—Inspection of Lindsay, Bobcaygeon and Pontypool Railway.

July 29, 1904.—Examination of highway crossing, Grand Trunk Railway, township of Whitby, Ontario.

July 30, 1904.—Examination of the Preston and Berlin Street Railway crossing by Grand Trunk Railway spur tracks on Wilmot street, Berlin, Ontario.

August 2, 1904.—Examination of street crossings in the town of Renfrew, Ontario, by Canadian Pacific Railway.

August 31, 1904.—Examination of crossing of Canadian Pacific Railway by Peterborough Radial Railway, George street, Peterborough, Ontario.

August 31, 1904.—Examination of crossing of the Grand Trunk Railway by the Peterborough Radial Railway in the town of Peterborough, Ontario, at Water, Locke and Charlotte streets.

September 3, 1904.—Examination of crossing of the Bay of Quinte Railway over the tracks of the Canadian Pacific Railway at Tweed, Ontario.

September 13, 1904.—Examination of crossing of Narcisse Campbell by Central Vermont Railway, Stanbridge, Quebec.

September 13, 1904.—Examination of street crossing by the Grand Trunk Railway, at Actonvale, Quebec.

September 21, 1904.—Examination of proposed street crossing by the Quebec and South Shore Railway, in the town of St. Michel D'Yamaska, Quebec.

September 22, 1904.—Examination of the farm crossings, gates and right of way ditches on the Great Northern Railway at St. Paulin, Quebec.

October 3, 1904.—Examination of subway under the Grand Trunk Railway track near Beloeil station, province of Quebec.

October 4, 1904.—Examination of the crossing of the London and Port Stanley gravel road by the Lake Erie and Detroit River Railway, in the county of Elgin, Ontario.

October 4, 1904.—Examination of crossing of First avenue by the Canada Southern Railway and Michigan Central Railway at St. Thomas, Ont.

October 4, 1904.—Examination of J. A. Smith's property in reference to damage by the Canada Southern Railway.

October 4, 1904.—Examination of William and Elgin streets, crossed by the Canada Southern and Michigan Central Railways, St. Thomas, Ontario.

October 5, 1904.—Examination of the opening of Balaklava street, crossed by the Grand Trunk Railway, city of St. Thomas, Ontario.

October 6, 1904.—Examination of farm crossing of George Millar, Canada Southern Railway, county of Lambton, Ontario.

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October 7, 1904.—Examination of crossing Main street, town of Parkhill, Ontario, by Grand Trunk Railway.

October 12, 1904.—Inspection of proposed crossing of the Canadian Pacific Railway by a road leading to wharf in the town of Pembroke, Ontario.

October 18, 1904.—Examination of crossing of the Grand Trunk Railway by the Peterborough Radial Railway, Locke street, Peterborough, Ontario.

October 20, 1904.—Inspection of proposed crossing of the Dominion Atlantic Railway by the Middleton and Victoria Beach Railway, at Middleton, Nova Scotia.

October 24, 1904.—Examination of crossings of the Fourth concession road by the proposed Quebec, New Brunswick and Nova Scotia Railway, in the parish of L'Ancienne Lorette, county of Quebec, P.Q.

October 25, 1904.—Examination of farm crossing on the land of William Anderson by the Toronto, Hamilton and Buffalo Railway, near Hamilton, Ontario.

October 26, 1904.—Examination of the farms and ditches of Charles Gelinas, Aimé Lemay, and others, in reference to damage by the Canadian Pacific Railway at Yamachiche, county of St. Maurice, Quebec.

October 29, 1904.—Examination of the crossing of the Grand Trunk Railway by the Niagara-Welland Power Company, county of Welland, Ontario, in lot 9.

October 29, 1904.—Examination of the crossing of St. Catharines and Niagara Central Railway Company by the Niagara-Welland Power Company, county of Welland, Ontario, lot 85.

October 29, 1904.—Examination of Allanburg branch of the Grand Trunk Railway, Niagara-Welland Power Company, county of Welland, lot 138.

October 29, 1904.—Examination of Dickson and Ellis streets, crossed by the Canada Southern Railway, in the town of Niagara Falls, Ontario.

November 2, 1904.—Examination of the crossing of the Stanley avenue by the Grand Trunk Railway at Richmond, Quebec.

November 14, 1904.—Inspection of proposed crossing of the Grand Trunk Railway by the Guelph and Goderich Railway at Milverton, Ontario.

November 19, 1904.—Inspection of the Grand Valley Railway for opening for traffic from Paris to Galt, Ontario, a distance of about 13 miles.

November 23, 1904.—Inspection of steel bridges on Bay of Quinte Railway between Tweed and Bannockburn, Ontario.

November 25, 1904.—Examination of crossing of the Grand Trunk Railway by the Guelph and Goderich, near Guelph, Ontario.

December 1, 1904.—Inspection of Orford Mountain Railway, Eastman Village, township of Potten, county of Brome, Quebec.

December 2, 1904.—Examination of street crossing in the town of Farnham, Quebec, by the Stanstead, Shefford and Chambly Railway of Central Vermont Railway.

December 3, 1904.—Inspection of proposed farm crossing of the Père Marquette Railway, near Bridgeburg, Ontario.

December 10, 1904.—Inspection of crossing a spur line of the Grand Trunk Railway by the Montreal Street Railway at Cote St. Paul, in the city of Montreal, Quebec.

December 10, 1904.—Inspection for the opening of traffic for the Levis County Electric Railway, through the town of St. Romuald, county of Levis, Que.

December 17, 1904.—Examination of crossing of Montreal Street Railway over Pie-Neuf avenue, Montreal, Quebec.

December 27, 1904.—Inspection of highway crossings in Fairville, N.B., with reference to protection.

December 29, 1904.—Examination of proposed subway at Elizabeth street, under the tracks of the Grand Trunk at St. Henri, Quebec.

December 29, 1904.—Examination of interlocking plant at crossing of British Columbia Southern Railway by the Morrissey, Fernie and Michel Railway at Fernie, British Columbia.

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January 17, 1905.—Examination of the Toronto Street Railway on Queen street, Toronto, Ontario, crossed by the Grand Trunk Railway.

Examination of the Toronto Street Railway on Queen street, Toronto, Ontario, crossed by the Canadian Pacific Railway.

January 17, 1905.—Examination of proposed subway at Lansdowne avenue, city of Toronto, under the tracks of the Canadian Pacific Railway and the Grand Trunk Railway.

January 20, 1905.—Examination of the St. Clair tunnel, Ontario, in connection with the operation of the same.

February 3, 1905.—Examination of the crossing of Main street by the Grand Trunk Railway in the town of Welland, Ontario.

February 9, 1905.—Examination for opening of traffic of a portion of the Vancouver, Victoria and Eastern Railway and Navigation Company.

February 16, 1905.—Examination of the Canadian Pacific Railway branch line along Liberty street and Fraser avenue, Toronto, Ontario.

February 16, 1905.—Inspection of the Queenston street bridge in the city of St. Catharines, Ontario,

December 21, 1905.—Examination in the town of Guelph, Ontario, in connection with the expropriation of Jubilee park by the Grand Trunk Railway for station purposes.

March 15, 1905.—Inspection of street crossings on the lines of the Grand Trunk and Canadian Pacific Railways, in the town of Lindsay, Ontario.

March 20, 1905.—Examination of the ground of the Grand Trunk Railway asked for by the Guelph and Goderich, Ontario.

March 30, 1905.—Examination of proposed subway under the Quebec Bridge Railway at Côte St. François, county of Quebec, Quebec.

April 1, 1905.—Examination of the application of the Canadian Pacific Railway Company with reference to crossing of several streets in the city of Toronto, Ontario.

April 1, 1905.—Examination of proposed branch line on the east side of the River Don, Toronto, Ontario.

April 1, 1905.—Examination of the Canadian Pacific Railway bridge over the Rideau river, Ottawa, Ontario, in reference to floods.

April 3, 1905.—Examination of the crossing of several streets by the Canadian Pacific Railway along the Esplanade, Toronto, Ontario.

April 4, 1905.—Examination for proposed subway, Bank street, under the tracks of the Canada Atlantic Railway, Ottawa, Ont.

April 4, 1905.—Inspection of farm crossing on the line of the Guelph and Goderich on the farm of F. H. Hall.

April 5, 1905.—Inspection of the proposed crossing of the Ayr line of the Grand Trunk Railway, by the South Western Traction Company, near St. Thomas, Ontario.

April 6, 1905.—Inspection of crossing of the Grand Trunk Railway on the farm of Geo. Knill, three miles west of Paris, Ontario.

April 6, 1905.—Examination of Clough's Crossing, Lennoxville, Quebec.

April 7, 1905.—Examination of open culvert under the track of the Quebec Southern Railway, about one mile west of St. Angèle, county of Rouville, Quebec.

April 19, 1905.—Examination of the New Brunswick Southern Railway.

April 20, 1905.—Examination of the Salisbury and Harvey Railway, New Brunswick.

April 22, 1905.—Examination of the Richelieu river bridge of the Quebec Southern Railway at Sorel, Quebec.

April 23, 1905.—Examination of proposed farm crossing of Arcene Boisvert by the Grand Trunk Railway, in the parish of Ste. Amélie, township of Bulstrode, Quebec.

May 2, 1905.—Examination of the crossing of the Grand Trunk Railway by the Canadian Pacific at Lennoxville, Quebec.

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May 3, 1905.—Examination of the lands of the Grand Trunk and Guelph and Goderich Railways at Goderich, Ontario.

May 4, 1905.—Examination of the crossings of properties of Alexander and Adam Morrow, at Millbank, Ontario, by the Guelph and Goderich Railway.

May 4, 1905.—Examination of Mr. Hall's crossing in the township of Wellesley, by Guelph and Goderich Railway.

May 6, 1905.—Inspection of Prince Albert branch of the Canadian Northern Railway, mileage 278 to 285.

May 7, 1905.—Inspection of main line of the Canadian Northern Railway from Humbolt to the 10th siding; mileage, 425 to 507.

May 9, 1905.—Inspection of Rossburn extension of the Canadian Northern Railway, mileage 0 to 20·7.

May 11, 1905.—Inspection of crossing of the Canadian Pacific Railway by the Canadian Northern Railway, at Hartney, Manitoba.

May 12, 1905.—Inspection of the Greenway extension of the Canadian Northern Railway; mileage, 0 to 52.

May 21, 1905.—Inspection of station grounds at Revelstoke, British Columbia.

May 22, 1905.—Inspection of proposed logging crossing of the Canadian Pacific Railway, near Silverdale, British Columbia.

May 29, 1905.—Examination of highway crossing in the Coteau Junction yard by the Grand Trunk Railway.

June 2, 1905.—Examination of proposed crossing of the Sutton branch of the Grand Trunk by the James bay.

June 2, 1905.—Examination of Queen street crossing, Canadian Pacific Railway, Toronto, Ontario.

June 5, 1905.—Examination of the crossing of the de Lisle drain by the Canada Southern Railway in the county of Essex, Ontario.

June 5, 1905.—Examination of the Little River drain under the tracks of the Canada Southern in the township of Sandwich south, county of Essex, Ontario.

June 6, 1905.—Examination respecting highway crossings in the village of Dutton, Ontario, by the Canada Southern and Pere Marquette Railways.

June 8, 1905.—Examination of crossing of the Grand Trunk by Canadian Pacific Railway near St. Thomas, Ontario.

June 8, 1905.—Examination of some streets crossed by the Grand Trunk in the city of Woodstock, Ontario.

June 15, 1905.—Examination of proposed Staynerville branch of the Canadian Pacific Railway at Staynerville, county of Argenteuil, Quebec.

June 15, 1905.—Inspection of station grounds on the line of the Canadian Pacific Railway at Franklin, Manitoba.

June 17, 1905.—Examination of the Smith drain of the Canada Southern Railway.

June 19, 1905.—Examination in reference to flooding of subway in the town of Trenton, Ontario, under the tracks of the Grand Trunk Railway.

June 25, 1905.—Inspection of crossing of the Don road, county York, Ontario, by the James Bay Railway.

June 26, 1905.—Inspection of crossings of the Grand Trunk Railway, on the farm of Donald MacKenzie, about two miles west of Hyde Park Junction, Ontario.

June 26, 1905.—Inspection of proposed undercrossing of the Grand Trunk Railway at Tecumseh, Ontario.

July 4, 1905.—Inspection of proposed undercrossing of the Grand Trunk Railway at Port Hope, Ontario.

July 5, 1905.—Examination of trestle under the Quebec Southern Railway, near Vercheres, Quebec.

July 6, 1905.—Examination of the trestle under the west approach of the Quebec Southern Railway bridge over the Richelieu river, at Sorel, Quebec.

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July 8, 1905.—Examination of Charles Bennett's property in reference to his watercourse along and under the Quebec branch of the Grand Trunk Railway, in the township of Shipton, Quebec.

July 10, 1905.—Inspection of location of Preston and Berlin Railway on Caroline and Erb streets, in the town of Waterloo, Ontario.

July 11, 1905.—Examination of the crossing of St. Clair avenue, Toronto, Ontario, by the Toronto Suburban Railway.

July 13, 1905.—Examination of crossing of streets in Parry Sound, Ontario, by James Bay Railway.

July 13, 1905.—Inspection of street crossings over the Canadian Pacific Railway, in the town of Almonte, Ontario.

July 19, 1905.—Examination of the highway crossing at Coteau station by the Grand Trunk Railway.

July 25, 1904.—Inspection of bridge interlocking where the Grand Trunk Railway crosses the Trent Valley canal at Nassau, Ontario.

July 26, 1905.—Inspection of crossing of the Queen's Wharf branch, Toronto, of the Canadian Pacific Railway by an additional track of the Grand Trunk Railway, with reference to interlocking.

July 28, 1905.—Examination of highway crossing in the township of Lynden, Ontario, by Grand Trunk Railway.

August 5, 1905.—Re-examination of proposed Staynerville branch of the Canadian Pacific Railway at Staynerville, county of Argenteuil, Quebec.

August 18, 1905.—Examination of box culvert under the Grand Trunk Railway, in the town of Lachine, Quebec.

August 19, 1905.—Inspection of MacGregor-Varcoe branch of the Canadian Pacific Railway, Manitoba.

August 19, 1905.—Inspection of Wetaskawin branch of the Calgary and Edmonton Railway, Alberta.

August 22, 1905.—Examination of the proposed crossing of the Grand Trunk Railway by the Canadian Pacific Railway at Beeton, Ontario.

August 22, 1905.—Examination of the proposed crossing of the Grand Trunk Railway by the Canadian Pacific Railway at Utopia, Ontario.

August 25, 1905.—Examination of Greenwood avenue, crossed by the Grand Trunk Railway, Toronto, Ontario.

August 26, 1905.—Examination of proposed crossing of the Grand Trunk Railway spur by the James Bay Railway at Beaverton, Ontario.

August 28, 1905.—Examination of the proposed crossing of the Grand Trunk Railway by the Canadian Pacific Railway at Tottenham, Ontario.

August 28, 1905.—Examination of proposed crossing of the Grand Trunk by the Canadian Pacific Railway at Caldwell Junction, Ontario.

August 28, 1905.—Examination of proposed crossing of Grand Trunk Railway by Canadian Pacific, Midland division.

September 4, 1905.—Inspection for traffic of Canadian Pacific Railway, main line, Calgary division.

September 4, 1905.—Inspection for opening of traffic of Wetaskiwin branch of the Canadian Pacific Railway from Wetaskiwin to Camrose.

September 14, 1905.—Inspection for opening of traffic of the Pheasant Hills branch of the Canadian Pacific Railway at Lipton, Alberta.

September 18, 1905.—Inspection for traffic of the Lacombe branch of the Canadian Pacific Railway at Lacombe, N.W.T.

October 3, 1905.—Inspection of proposed highway crossing over the Grand Trunk Railway between lots 1 and 2, block 'B,' in the township of Sarnia, Ontario.

October 8, 1905.—Inspection of Ayr ballast on line of the Canadian Pacific Railway at Ayr, Ontario.

October 9, 1905.—Inspection of highway crossing of the Guelph and Goderich Railway, near Blyth, Ontario.

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October 19, 1905.—Inspection of proposed crossings of the Grand Trunk and Canadian Pacific Railways at Chatham, Ontario, and the Père Marquette Railway at Wallaceburg, Ontario, by the Chatham, Wallaceburg and Lake Erie Railway.

October 19, 1905.—Inspection of Chatham, Wallaceburg and Lake Erie Railway from Chatham, Ontario, to Wallaceburg, Ontario, for opening for traffic.

October 21, 1905.—Inspection of crossing of Grand Trunk Railway by an additional track of the Canadian Pacific Railway, near Davenport station, on the Northern and Northwest division.

October 30, 1905.—Inspection of interlocking where Canadian Pacific Railway crosses the Trent Valley canal at Peterborough, Ontario.

October 31, 1905.—Inspection of interswitching track connecting the Grand Trunk and Canadian Pacific Railways at Lindsay, Ontario.

September 19, 1905.—Inspection of location of the Klondike Mines Railway from Dowson City to the town of Grand Forks, B.C.

November 1, 1905.—Inspection of interlocking plant on the Toronto, Hamilton and Buffalo Railway at Garth street, Hamilton, Ontario.

November 15, 1905.—Inspection of proposed street crossing the Grand Trunk Railway in the town of Waterloo, Ontario.

November 23, 1905.—Inspection for the opening of traffic of the Orford Mountain Railway, from Kingsbury to Windsor, Ontario.

December 1, 1905.—Inspection of the tracks of the Oshawa Railway in the town of Oshawa, Ontario.

December 1, 1905.—Inspection of Corbett's crossing over the Grand Trunk Railway, one mile east of Whitby, Ontario.

December 9, 1905.—Inspection of subway under the Grand Trunk Railway on Grand River street, in the town of Paris, Ontario.

December 12, 1905.—Inspection of Lacombe branch of the Canadian Pacific Railway for opening of traffic.

December 13, 1905.—Inspection of interlocking where the Guelph and Goderich Railway crosses the Grand Trunk Railway, two miles west of Guelph, Ontario.

December 13, 1905.—Inspection of street crossings over the Grand Trunk Railway, in the town of Strathroy, Ontario.

January 8, 1906.—Inspection of proposed crossing of the Grand Trunk Railway by the James Bay Railway at Washago, Ontario.

January 15, 1906.—Inspection of location of line of the Niagara-Welland Power Company, in the townships of Brantford and Ancaster, counties of Brant and Wentworth, Ontario.

January 17, 1906.—Inspection of proposed drain across the line of the Grand Trunk Railway, in the township of Malahide, near Aylmer, Ontario.

January 18, 1906.—Inspection of proposed drain in the township of Blanford, Ontario, on the Buffalo and Goderich branch of the Grand Trunk Railway.

January 18, 1905.—Inspection of proposed drain for the benefit of Winterhalt property on the line of the Grand Trunk Railway, in the town of Preston, Ontario.

January 31, 1906.—Inspection of interlocking where the Hamilton Radial Railway crosses a spur of the Toronto, Hamilton and Buffalo Railway, in the city of Hamilton, Ontario.

February 1, 1906.—Examination of street crossings by Canadian Pacific Railway in the city of Vancouver, B.C.

February 1, 1906.—Inspection of proposed farm crossings on the farms of Lackner and Grasser, on the line of the Guelph and Goderich Railway, in the county of Waterloo, Ontario.

February 2, 1906.—Inspection of proposed undercrossing on the farm of J. Cockerline, at Blyth, Ontario.

February 3, 1906.—Inspection of proposed farm crossing over the track of the Canada Southern Railway, on the farm of Alexander Parkes, near Cornell, Ontario.

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February 20, 1906.—Inspection of proposed drain across the lands of Captain Malloy, on the line of the Grand Trunk Railway, in the township of Brantford, county of Brant, Ontario.

February 20, 1906.—Inspection of track of the Grand Valley Railway, in the town of Galt, Ontario.

February 21, 1906.—Inspection of proposed terminal yards of the Canada Southern Railway, near Windsor, Ontario.

February 22, 1906.—Inspection of crossing of Grand Trunk Railway by the Père Marquette Railway, in the city of Chatham, Ontario.

February 23, 1906.—Inspection of proposed Whalen drain across the track of the Canada Southern Railway, near Southwick, Ontario.

March 3, 1906.—Inspection of Ostrander drain, on the line of the Canadian Pacific Railway, near Ostrander station, Ontario.

March 5, 1906.—Examination of the crossing at King street, Sherbrooke, Quebec, Grand Trunk Railway.

March 9, 1906.—Inspection of foundations of the Queenston street bridge, in the city of St. Catharines, Ontario.

March 29, 1906.—Examination of a box culvert under the Grand Trunk Railway, in the town of Lachine, Quebec.

March 31, 1906.—Examination of the property of James Kavanagh, Ottawa, Ontario, for Grand Trunk Railway purposes.

APPENDIX G.

REPORT

OF THE

INSPECTOR OF ACCIDENTS OF THE BOARD

APPENDIX G.

REPORT OF THE INSPECTOR OF ACCIDENTS OF THE BOARD.

OTTAWA, November 10, 1906.

A. D. CARTWRIGHT, Esq.,
Secretary, Board of Railway Commissioners for Canada,
Ottawa.

DEAR SIR,—I respectfully beg to hand you herewith my report showing the number of persons killed and injured in train accidents during the periods commencing from February 1, 1904, to March 31, 1905, and from April 1, 1905, to March 31, 1906, as per reports made by the railway companies to the Board of Railway Commissioners for Canada, in accordance with the Railway Act, 1903, sections 235 and 236.

The above statements have been prepared showing these accidents classified as follows:—

First.—The number of passengers killed and injured.

Second.—The number of employees killed and injured.

Third.—The number of other persons killed and injured.

Another classification has also been made, showing the accidents for each railway company separately.

During the first period, 402 persons were killed and 144 injured; the second period, 382 persons killed and 222 injured, making a total for the two periods of 784 persons killed and 366 injured.

During the first period, investigations have been held by the inspector of accidents on the following accidents:—

March 15, 1904.—Collision at the diamond crossing at Lennoxville, between the Canadian Pacific Railway and the Boston and Maine.

May 2, 1904.—Rear-end collision at South River, Grand Trunk Railway.

June 11, 1904.—Derailment at Thistle, Canadian Pacific Railway.

June 17, 1904.—Rear-end collision at Paris, Ontario, Grand Trunk Railway.

June 23, 1904.—Derailment at Riverdale, Grand Trunk Railway.

August 31, 1904.—Head-on collision at Richmond, province of Quebec, Grand Trunk Railway.

September 1, 1904.—Head-on collision at Sintulata, Assiniboia East, Canadian Pacific Railway.

September 13, 1904.—Rear-end collision at De Lotbinière *re* accident, November 26, 1903.

September 28, 1904.—Rear-end collision at Eastwood, Grand Trunk Railway.

November 30, 1904.—Derailment at the diamond crossing at Pelton, Michigan Central Railroad and the Père Marquette.

January 20, 1905.—Rear-end collision at Chalk River, Canadian Pacific Railway.

February 17, 1905.—Rear-end collision at Smithville, Toronto, Hamilton and Buffalo Railway.

February , 1905.—Derailment at Low, Canadian Pacific Railway.

February 30, 1905.—Level crossing at Sorel, South Shore Railway.

March 2, 1905.—Rear-end collision at San Claire, Canadian Pacific Railway.

March 22, 1905.—Rear-end collision at White River, Canadian Pacific Railway.

March 23, 1905.—Rear-end collision at West St. John, New Brunswick, Canadian Pacific Railway.

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March 25, 1905.—Head-on collision at Louisville, Canadian Pacific Railway.

April 3, 1905.—Derailment at Iberville, province of Quebec, Quebec Southern Railway.

June 5, 1905.—Shunting at Shawinigan Falls, Great Northern Railway.

Investigation *re* traffic accommodation and facilities on railways, as follows:—

December 21, 1904.—The Père Marquette Railway: *re* Messrs. Drew & O'Keefe's complaints.

April 30, 1904.—Great Northern Railway: *re* Azarie Lessard's complaint.

February 20, 1905.—Quebec Southern Railway: General complaint *re* train accommodation and station facilities.

September 26, 1905.—Canadian Pacific Railway: Station accommodation and facilities at St. Bazile, New Brunswick.

During the second period investigations have been held on the following accidents:—

September 11, 1905.—Rear-end collision at Hammond, Canadian Pacific Railway.

October 31, 1905.—Rear-end collision at Dinorwic, Canadian Pacific Railway.

October 11, 1905.—Derailment at Garçon's, Canadian Pacific Railway.

November 3, 1905.—Level crossing at Lennoxville, Grand Trunk Railway.

November 6, 1905.—Shunting at Winnipeg yard, Canadian Pacific Railway.

November 26, 1905.—Shunting at Kenora yard, Canadian Pacific Railway.

January 14, 1906.—Shunting at Iberville, province of Quebec, Central Vermont.

January 25, 1906.—Collision on diamond at London, Grand Trunk and Street railways.

February 15, 1906.—Rear-end collision at Osko, Canadian Pacific Railway.

February 16, 1906.—Head-on collision at Merritton, Ontario, (electric railway) Niagara, St. Catharines and Toronto Railway.

February 28, 1906.—Public crossing, Stratford, Ontario, Grand Trunk Railway.

February 19, 1906.—Electric railway at Maplewood (Montreal), Montreal Park and Island Railway.

INSPECTION OF RAILWAYS.

June 5, 1905.—Central Vermont Railway system.

June 15, 1905.—Maine Central Railway (lines in Canada).

June 19, 1905.—Boston and Maine Railway (lines in Canada).

June 30, 1905.—Atlantic and Lake Superior Railway.

August 11, 1905.—South Shore Railway at Montreal South, *re* L. J. E. Brais' complaint.

August 17, 1905.—Montreal Terminal Railway (electric railway).

September 26, 1905.—Canadian Pacific Railway *re* St. Bazile, New Brunswick, station accommodation and facilities.

September 30, 1905.—De Lotbinière and Lake Megantic Railway.

September 30, 1905.—Quebec Central Railway *re* complaint of Mrs. Joseph Morin at Black Village.

October 15, 1905.—Temiscouata Railway.

October 30, 1905.—Inspection of the Montreal Park and Island Railway (electric).

February 15, 1906.—Report on the Grand Trunk Railway, by-law No. 24.

March 24, 1906.—Report on Montreal Park and Island Railway, by-law clause 26.

The whole respectfully submitted.

ED. C. LALONDE,

Inspector of Accidents.

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BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

STATEMENT showing the number of persons killed and injured on various railways in Canada, from February 1, 1904, to March 31, 1905.

Name of Railway.	Passengers.		Employees.		Other Persons.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Grand Trunk Railway.....	22	24	63	12	82	4	167	40
Canadian Pacific Railway.....	47	11	75	45	63	3	185	59
Dominion Atlantic.....	1		1		2	1	3	1
Canada Atlantic.....	1				2	2	3	2
Canadian Northern.....	1		21	23	5	1	27	24
New Brunswick Coal and Railway.....	1						1	
Quebec Central.....	1	1	1		1		3	1
Nelson and Fort Sheppard.....			1	1			1	1
Hull Electric Railway.....		1			2		2	1
New Brunswick Southern.....			1				1	
Michigan Central.....		1	1	6	3	1	4	8
Cumberland Railway and Coal Co.....					1		1	
Toronto, Hamilton and Buffalo.....			2	5			2	5
Pere Marquette.....			1			2	1	2
Quebec Southern.....			1				1	
Totals.....	73	38	168	92	161	14	402	144

BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

STATEMENT showing the character of accidents on various railways in Canada, from February 1 to March 31, 1905.

Character of Accident.	Passengers.		Employees.		Other Persons.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Stealing ride.....					8	3	8	3
While shunting.....			38	15			38	15
Riding on cars.....			5	8			5	8
Level crossings.....					42	5	42	5
Falling off freight cars.....			13	8			13	8
Trespassing.....					109	6	109	6
Jumping on break beam to ride.....			2	4			2	4
Derailment.....	3	4	12	17			15	21
Adjusting couplers, coupling and uncoupling.....			17	8			17	8
Passengers falling off passenger trains.....	6	1					6	1
Working on track.....			5	2			5	2
Working on bridges.....			3	1			3	1
Collision, head-on.....	15	25	9	3			24	28
Collision, rear-end.....	17		15	16			32	16
Collision, street car and steam train.....	2		1				3	
Attempting to get on train while in motion.....	15	5	5	5			20	10
Falling off hand car.....			18	3			18	3
Side ladders.....			2				2	
Falling between cars while walking on top of train in motion.....			2				2	
Locomotive explosion.....			2	1			2	1
Jumping off train while in motion.....	6	2	6	1			12	3
Asphyxiated in tunnels.....			5				5	
Wash-out.....	1	1					1	1
Riding on pilot of engine.....			2				2	
Suicide, throwing self in front of engine and trains.....					2		2	
Gasoline motor.....			1				1	
Electrocuted.....			1				1	
Working under cars or engines.....			3				3	
Overhead bridge.....			1				1	
Totals.....	73	38	168	92	161	14	402	144

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BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

STATEMENT showing the number of persons killed and injured on various railways in Canada, from April 1, 1905, to March 31, 1906.

Name of Railways.	Passengers.		Employees.		Other Persons.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Grand Trunk Railway.....	14	1	39	2	80	4	134	7
Canadian Pacific Railway.....	59	17	63	31	70	6	192	54
Canadian Northern Railway.....	2	1	4	72	6	1	12	74
Great Northern Railway.....			3	1		1	3	2
Temiscouata Railway.....				1				1
Can. G. and G.....			2	2			2	2
Central Vermont Railway.....			3				3	
Algoma Central.....					3		3	
Tilsonburg, Lake Erie and Pacific.....					1		1	
Quebec Southern.....			1	1		1	1	2
Vancouver, Westminster and Yukon Railway.....			1				1	
Canada Atlantic.....					3		3	
Boston and Maine Railway.....			1		1		2	
Dominion Atlantic.....	1		1		2	2	4	2
Michigan Central Railway.....	1	23	7	50	11	2	19	75
Cumberland Railway and Coal Co.....				1	1		1	1
Pere Marquette Railway.....			1	2			1	2
	77	42	126	163	179	17	382	222

BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

STATEMENT showing the character of accidents on various railways, from April 1, 1905, to March 31, 1906.

Character of Accident.	Passengers.		Employees.		Other Persons.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Stealing ride.....					17	1	17	1
While shunting.....			14	18			14	18
Riding on cars.....			2				2	
Level crossings.....					42	9	42	9
Falling off freight cars.....			6	5			6	5
Trespassing.....					113	6	113	6
Jumping on brakebeam to ride.....				4				4
Derailment.....	43	17	3	19			46	36
Adjusting couplers, coupling and uncoupling.....			19	9			19	9
Passengers falling off passenger train.....	6	2					6	2
Working on track.....			8	2			8	2
Working on bridges.....			4				4	
Collision, head-on.....	3	4	6				9	4
Collision, rear-end.....	3	16	4	4			7	20
Collision, steam train and street car.....	1						1	
Attempt to get on train in motion.....	17	3	4	4			21	7
Falling off hand car.....			17				17	
Side ladders.....				2				2
Falling between cars while walking on top of trains.....			8	9			8	9
Locomotive explosion.....			1				1	
Jumping off train while in motion.....	4		5	4			9	4
Riding on pilot of engine.....			1	4			1	4
Suicide.....					6		6	
Gasoline motor.....			2	1			2	1
Working under car.....			2				2	
Working under engine.....			2				2	
Level crossing.....								
Interlocking plant.....			1				1	
Struck by switch stand.....				1				1
Caught in guard rail.....				1				1
Unclassified.....			17	76	1	1	18	77
	77	42	126	163	179	17	382	222

APPENDIX H.

ORDER OF THE BOARD DATED JANUARY 25, 1906

RE

CAR SERVICE RULES

APPENDIX H.**ORDER OF THE BOARD DATED JANUARY 25, 1906, *RE* CAR SERVICE RULES.**

Whereas numerous complaints have been made to the Board of Railway Commissioners for Canada with respect to the charges made by railway companies for delay in the loading and unloading of cars, and the rules regulating the same;

And whereas it appears to the board that all such charges and rules should be disallowed, and that, in cases in which railway cars are, or are to be, loaded or unloaded by shippers or consignees, railway companies should be authorized, subject to the rules hereinafter contained, and by way of compensation for unduly prolonged detention and use of cars and use of tracks, to increase, as hereinafter specified, their tolls upon traffic carried or to be carried in carloads, or at carload rates;

And whereas it appears to the board to be important, in the public interest, to secure the fullest possible use of railway cars, tracks, and equipment, and for that object to discourage the delay aforesaid;

Now, therefore, in pursuance of sections 23, 25, 257 and 275 of the Railway Act, 1903, and of all powers possessed by the board under the said Act—

It is ordered that,

1. Except as mentioned in the proviso to paragraph numbered 4 of this order, all tolls or charges heretofore charged or imposed by any railway company for delay in, or additional time used in, the loading or unloading of cars, whether under the name of demurrage, car rental, or car service, or otherwise, and all rules regulating the same be and the same are hereby abolished and disallowed; and all railway companies subject to the jurisdiction of the board shall henceforth cease to impose and use the same.

2. Except as mentioned in the proviso to paragraph numbered 4 of this order, every portion of any freight tariff, or bill of lading, of any railway company providing for a charge for delay in the loading or unloading of cars, or for demurrage, car rental, or car service, be and the same are hereby disallowed, and that the following tolls and rules be and the same are hereby substituted for such charges, and for the rules regulating such charges.

3. The railway companies be and they are hereby authorized to cancel the aforesaid portions of their existing freight tariffs, and to substitute the tolls and rules hereinafter specified, by the publication and filing of general notices in lieu of individual supplements to the various tariffs.

4. This order, and the rules hereinafter set forth, shall come into force and take effect on and from the first day of March, A.D. 1906; provided that nothing in this order, or in the rules hereinafter set forth, shall be deemed to apply to or affect the loading of cars delivered, or placed, for loading prior to the coming into force of this order, or to the freight delivered to a railway company for carriage before the coming into force of this order.

5. All freight traffic, in carloads or less, which is, or is to be, loaded or unloaded by the shippers or consignees thereof, shall be subject to the following rules, to be known as 'The Canadian Car Service Rules':—

Rule 1.—When cars are held under load, or awaiting loads, beyond the free time allowed by rule 2, for any reason for which the consignee or shipper is responsible, a toll of one dollar per car, per day of twenty-four hours, or any part thereof, shall be charged to, and paid by, the shipper, consignee, or other party responsible there-

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for, in addition to all other tolls paid, or payable, in respect of the goods carried, or to be carried, in or on such car.

Rule 2.—Twenty-four hours shall be allowed the consignee, after notice of arrival, in which to pay the tolls or charges (if any), and give orders for special placing or delivery; (subject to rules 11 and 15).

Forty-eight hours' free time shall be allowed for loading or unloading (except as hereinafter provided). On cars placed for loading, or unloading, before or at 11 o'clock a.m., the free time shall begin at 1 p.m. following; if placed after 11 o'clock a.m., the free time shall begin at 7 o'clock a.m. following.

Exceptions.—(a) Twenty-four hours additional free time shall be allowed for unloading coal, coke, and lime, in bulk, and for loading or unloading the following descriptions of lumber only, namely: boards, deals, and scantlings.

(b) Five days' free time shall be allowed at Montreal, and at tide-water ports, for unloading lumber and hay for export.

(c) In the portion of Canada to which the Manitoba Grain Act, 1900, and its amendments, apply, only twenty-four hours' free time shall be allowed for loading grain.

(d) Twenty-four hours' additional free time shall be allowed for clearance of customs, where the destination is a port of entry, making the allowance for clearance of customs, and for giving, placing or delivery orders, forty-eight hours in all.

Where the destination is not a port of entry, forty-eight hours shall be allowed for clearance of Customs at the outside port of entry.

Rule 3.—No car service toll shall be charged for Sundays or legal holidays.

Rule 4.—Car service tolls shall not be collected from the consignee for any delays for which the customs officials may be responsible.

Rule 5.—Cars shall be so placed so as to be easily accessible at all times during the period allowed for unloading and loading. At stations where the placing is at the time reasonably practicable, cars shall be so placed so as to be easily accessible on both sides. Time lost to the shipper or consignee through interruption, either by movement of trains, or shunting of cars, or any other cause for which the railway is, or may be held to be, responsible, shall be added to the free time allowance.

Rule 6.—If wet or inclement weather, according to local conditions, renders loading or unloading impracticable during business hours, or expose the goods to damage, the time allowance shall be extended so as to give the full free time of suitable weather. But if the parties neglect to avail themselves of the first forty-eight hours, or seventy-two hours, as the case may be, of suitable weather, they shall not be allowed additional free time by reason of such neglect.

Rule 7.—When, owing to conditions for which the railway company, or connecting railway companies, is or are responsible, or to any neglect or default of its or their agents or employees, or to storms or floods, or to accidents on a railway, or accident to the equipment of the railway company or companies, cars are tendered to the consignee in numbers beyond his ascertained reasonable ability to unload within the authorized free time, such additional time shall be allowed as may be necessary, with the exercise of due and reasonable diligence on the consignee, to unload the cars so in excess.

Rule 8.—The consignee shall be promptly notified of the arrival of his freight and shall be held to have been notified when notice of arrival has been delivered at his address or place of business; provided that if such notice be given later than 6 o'clock, p.m., it shall be considered not to have been received until 7 o'clock the following morning. If notice be mailed, the consignee shall be held to have been notified at 7 o'clock a.m. of the day following.

Rule 9.—If the consignee fail to give placing or delivery orders within the twenty-four hours allowed by Rule 2, the car shall be considered to be intended for public team track delivery and shall be placed accordingly; and, if not unloaded within the free time, such car shall be subject to the car service toll.

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Rule 10.—The railway agent shall notify the consignee or his carter, on application, where his car has been placed for unloading. Any time within the free time allowance lost to the consignee in so doing, for which the railway company is responsible, shall be added to the free time allowance.

If a car has been placed before 7 o'clock a.m., and at that hour the agent or his representative is unable or fails to inform the consignee or his representative, on application, as to the placing of the car and where it has been placed, then the free time shall not commence until 12 o'clock noon following, unless the consignee commences to unload before noon, in which case the time so lost to the consignee shall be added to the free time allowance as aforesaid.

Rule 11.—Freight for which the railway company holds previous or standing orders from consignee for placing on designated tracks or private sidings, shall not be entitled to the extra twenty-four hours allowed by Rule 2 for paying freight charges and giving or placing delivery orders, but when in bond shall be entitled to the twenty-four hours allowed by Rule 2 (*d*) for clearance of customs.

Rule 12.—When both cars and tracks are owned by the same private party, no car service tolls shall be charged.

Rule 13.—The delivery of cars to private tracks shall be considered to have been made when such cars have been properly placed on the tracks designated, or when they would have been so placed but for some condition for which the shipper or consignee is responsible. If cars cannot be so placed, the railway company holding them shall notify the consignee, in order that he may have the opportunity of designating some other siding on which he is willing to load or unload, if he so desires.

Rule 14.—If, after placing, cars are ordered to another siding on the same road at the same station, to complete loading or unloading by the same shipper or consignee, the free time shall be computed from the original placing, less the time occupied in replacing the car.

Rule 15.—If, after the arrival at destination, a car is reconsigned under switching arrangements, the original consignee alone shall have twenty-four hours in which to give orders for special placing or delivery; and shall pay one dollar per day, or any part thereof, for all time in excess of the twenty-four hours, so that the final free time of forty-eight hours, or seventy-two hours, as the case may be (authorized by Rule 2), shall still remain to the party who accepts delivery.

Rule 16.—If an authorized employee upon a railway which performs switching services gives notice that such railway is unable to receive cars for private sidings, owing to conditions for which the shippers or consignees are responsible, then any other railway company having cars for such consignees shall so advise them, and the car service toll shall be charged until the cars on such private sidings have been unloaded or loaded, as the case may be, or until such sidings have been otherwise cleared.

Rule 17.—Cars held in transit for inspection, grading, cleaning, bagging, completion or change of load, or change of destination, under a through rate from the original shipping point to the final destination, with or without a stop-over charge, and detained over the time allowed for such purpose in the published tariffs, shall be subject to the car service toll. If such shipments are transferred to other cars, the car service tolls shall follow on the cars to which transfer is made.

Rule 18.—Manufacturers, lumbermen, miners, contractors and others, who have their own tracks and motive power, and handle cars for themselves or other parties, shall be charged car service tolls on all cars delivered to them from time placed upon the interchange tracks until returned thereto, after allowance has been made for the time necessary for them to do the switching (not to exceed twenty-four hours), and for the free time authorized by Rule 2.

Rule 19.—Cars shall not be held back for the purpose of evading these rules. Loaded cars held back for cause must be reported.

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Rule 20.—When cars are delayed or refused by consignees because of alleged incorrectness in the railway weights or charges, car service tolls shall not be charged if the railway weights or charges are proved to be incorrect.

Rule 21.—If payment of car service tolls properly due be refused, delivery of only the car or cars on which such car service tolls are due shall be withheld, by means of sealing or locking, or by placing where such cars shall not be accessible.

If the owners or users of private sidings, or the owners of railways referred to in Rule 18, refuse to pay any car service tolls which may already be due, delivery of cars to such sidings or railways shall be suspended, and deliveries shall be made on the public team tracks until such unsettled car service tolls have been paid.

Rule 22.—In this order, and the rules therein contained :—

(a) The singular includes the plural, and the plural the singular, and the masculine the feminine, as the case may be ;

(b) Any reference to a rule by number is to be considered as a reference to that one of the foregoing rules which is so numbered ;

(c) The expression 'car service toll' means the additional or increased toll authorized by Rule 1.

A. C. KILLAM,

Chief Commissioner,

Board of Railway Commissioners for Canada.

